JOURNAL

OF THE

REGULAR SESSION

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

Begun and Held in the City of Frankfort, the Fourth Day of January, in the Year of Our Lord 1916, and of the Commonwealth One Hundred and Twenty-four.

PART II

March 2 to 14

PROPERTY OF THE STATE OF KENTUCKY

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 2, 1916.

The House was opened with prayer by the Rev. Thomas J. Gravatt, Pastor of the Episcopal Church, of Frankfort, Kentucky.

The reading of the House Journal of February 29th, was dispensed with.

Upon a call of the counties and representative districts the following bills were introduced, ordered printed, and referred as follows, viz.:

By Mr. Johnson:

H. B. 549. An act requiring the Librarian to furnish counties laws and reports of the Court of Appeals where such laws and reports have been destroyed by fire.

To the Committee on Judiciary.

By Mr. Crowe:

H. B. 550. An act requiring the county election commissioners in all elections, both primary and general for district officers in which the district includes more than one county to certify the returns of each county in such districts

direct to the Secretary of State, and requiring the State election commissioners to tabulate the vote from the different counties in such districts, and issue certificates of nomination or election to such candidates and repealing all laws in conflict therewith.

To the Committee on Suffrage and Election.

By Mr. E. D. Smith:

H. B. 551. An act to provide for rural credits in this Commonwealth through a system of land banks.

To the Committee on Banks and Banking.

By the unanimous consent of the House, Mr. Joe Schneider was granted an indefinite leave of absence.

Mr. Crowe called up for consideration from the Clerk's desk a resolution of the following title, viz.:

H. Res. 16. Resolution authorizing the exchange of a strip of ground 20 feet wide, belonging to Jennie Gentry, in the town of Rollington, Oldham county, Kentucky, for a strip of ground in Rollington, Oldham county, Kentucky, 20 feet wide, belonging to the State of Kentucky, and used by the Kentucky Confederate Home.

(For said resolution see House Journal of February the 28th.)

Mr. Crowe moved the adoption of said resolution.

The yeas and nays being taken upon the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey
C. H. Bays
G. G. Brashear
Frank J. Brown
W. H. Brown
Glover H. Cary
A. S. Cooper
W. P. Cropper
R. T. Crowe
James S. Cruse
H. C. Cummins
S. C. Dobbs
W. E. Dowling
William Duffy
J. R. Durham
J. M. Elliston
T. T. Gardner
W. G. Gooch
Frank C. Greene
L. B. Hamilton
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
Chas. L. Hunter
R. B. Jackson
J. M. Johnson
T. R. Jones
W. H. Jones
Wm. J. Kuh
W. T. Lasley
M. E. Lee
Dr. J. E. Lilly
W. R. Lyon
Dr. C. W. Mathers
Claude D. Minor
S. Montgomery
John T. Murphy
B. F. McAtee
E. B. McGlone
W. J. McMurray
C. B. Nichols
S. Mazyck O'Brien
William A. Perry
Geo. L. Pickett
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
D. S. Richardson
John T. Roach
Lewis Ryans
L. M. Smith
E. D. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Ed. D. Stone
Robt. R. Treadway
D. B. Tyra
John S. Webb
W. M. Webb
J. D. Wills
M. O. Wilson
E. S. Wood
Louis E. Yewell
E. G. Young

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And so said resolution was adopted.

Mr. Price offered the following resolution, viz.:

Resolution ordering the impeachment of J. E. Williams as Judge of the McCreary County Court for corrupt misconduct and misdemeanors in his said office; approving articles of impeachment and providing for appointment of committee to prosecute same.

Be it resolved by the House of Representatives:

That J. E. Williams, since ..... day of November, 1913, and now the duly elected, qualified and acting Judge of the McCreary County Court, be impeached for corrupt misconduct and misdemeanors in his said office; that the evidence adduced before the special committee, known as the "Impeachment Committee," appointed to hear same supports the twenty articles of impeachment hereto attached; that said articles be and they are hereby approved and sha be laid before the Senate; and that a committee of seven members be appointed by the Speaker to prosecute said impeachment. (Articles of impeachment attached to said resolution are as follows, viz.):

IN THE SENATE OF THE COMMONWEALTH OF KENTUCKY SITTING AS A COURT OF IMPEACHMENT.

THE COMMONWEALTH OF KENTUCKY, BY
THE HOUSE OF REPRESENTATIVES THEREOF, - - Plaintiff,

VERSUS

J. E. WILLIAMS, AS JUDGE OF
THE MCCREARY COUNTY COURT, - - - - - Defendant.

ARTICLES OF IMPEACHMENT.

The Commonwealth of Kentucky, by the House of Representatives thereof, to maintain its impeachment against J. E. Williams (elected in November, 1913, to the office of Judge of the McCreary County Court and, in November, 1913, again elected to the office of Judge of said court for a period of four years from the first Monday in January, 1914, and ever since the ..... day of November, 1913, and now, the duly elected, qualified and acting Judge of the McCreary County Court), for wilful and corrupt misconduct and misdemeanors in his said office of Judge of the McCreary County Court, charges:

ARTICLE 1.

That the said J. E. Williams as Judge of the McCreary County Court was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: That the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, in the county of McCreary, on or about November 5th, 1915, issue as Judge of said court and deliver to the Sheriff of McCreary County to do execution thereof, a warrant in the name of the Commonwealth of Kentucky directed to said sheriff commanding him to arrest John A. Geary, R. C. Sievers, C. E. Cain, J. C. Roberts, W. S. Gilreath, W. F. Hinkle and W. F. Meece, charged in said warrant with the crime of confederating and banding together for the purpose of destroying public property, and to bring them before some magistrate to be dealt with according to law; that at the time said warrant was issued by said J. E. Williams as Judge as aforesaid, there had not been filed in his said office, or presented to him, any affidavit or information specifying fully, or at all, the nature of the offense for which the warrant was issued, or that such offense was committed by the defendants in said warrant, or any of them, nor did the said J. E. Williams have personal knowledge of the commission of said offense by said defendants, or any of them; that the act of said J. E. Williams, as Judge as aforesaid, in issuing said warrant was and is wilful, in violation of the statutes in such cases made and provided, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE II.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: The said J. E. Williams, then the duly

elected, qualified and acting Judge of the McCreary County Court, did, in the county of McCreary, on or about November 6th, 1915, issue, as Judge of said court, and deliver to the Sheriff of McCreary county to do execution thereof, a warrant in the name of the Commonwealth of Kentucky directed to said sheriff commanding him to arrest John A. Geary, R. C. Sievers, C. E. Cain, J. C. Roberts, W. S. Gilreath, W. F. Hinkle and W. F. Meece, charged in said warrant with the crime of confederating and banding together for the purpose of destroying public property, and to bring them before some magistrate to be dealt with according to law; that at the time said warrant was issued by said J. E. Williams as judge as aforesaid, there had not been filed in his said office, or presented to him, any affidavit or information specifying fully, or at all, the nature of the offense for which the warrant was issued, or that such offense was committed by the defendants, in said warrant, or any of them; nor did said J. E. Williams have personal knowledge of the commission of said offense by said defendants or any of them; that, under the authority of said warrant, the Sheriff of McCreary county arrested all of said defendants, other than Meece, and forthwith delivered them into the custody of the jailer of McCreary county; that the act of said J. E. Williams, as judge as aforesaid, in issuing said warrant was and is wilful, in violation of the statutes in such cases made and provided and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE III.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: In the case of the Commonwealth of Kentucky vs. Ab. Hill, pending in the McCreary County Court, wherein the defendant therein was charged with the offense

of drawing a deadly weapon and upon the trial of the issues therein the said defendant was adjudged by said court to pay a fine of fifty dollars to the Commonwealth of Kentucky, the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, on the ..... day of ....., 1914, as judge as aforesaid, wilfully and in violation of the statutes in such cases made and provided, order and adjudge that said fine be suspended during the good behavior of the defendant, Ab. Hill; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE IV.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: In the case of the Commonwealth of Kentucky vs. Ollie Williams, pending in the McCreary County Court, wherein the defendant therein was charged with the offense of carrying concealed deadly weapons and upon the trial of the issues therein the said defendant was by said court adjudged to pay to the Commonwealth of Kentucky a fine of twenty-five dollars, the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, on the ..... day of ....., 1914, as judge as aforesaid, wilfully and in violation of the statutes in such cases made and provided, order and adjudge that said fine be suspended on good behavior of the defendant, Ollie Williams, and that said defendant be discharged from custody; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE V.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt mis-

conduct and misdemeanors in his office, in manner and form as follows: In the case of the Commonwealth of Kentucky vs. Grover Moses, pending in the McCreary County Court, wherein the defendant was charged with the offense of carrying concealed deadly weapons and upon the trial of the issues therein the said defendant was adjudged by said court to pay a fine of twenty-five dollars to the Commonwealth of Kentucky, the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, on the ..... day of ....., 191....., as judge as aforesaid, wilfully and in violation of the statutes in such cases made and provided, order and adjudge that said fine be suspended on good behavior of the defendant therein and that he be discharged from custody; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE VI.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: In the case of the Commonwealth of Kentucky vs. Asberry Chitwood, pending in the McCreary County Court, wherein the defendant therein was charged with the offense of shooting on a public highway and upon the trial of the issues therein the said defendant was adjudged by said court to pay to the Commonwealth of Kentucky a fine of fifty dollars, the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did in said county and as judge as aforesaid, wilfully and in violation of the statutes in such cases made and provided, order and adjudge that said fine be suspended on good behavior of the defendant, Asberry Chitwood, and that he be discharged from custody; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE VII.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: In the case of the Commonwealth of Kentucky vs. Ollie Miller, pending in the McCreary County Court, wherein the defendant therein was accused of the offense of carrying a concealed deadly weapon and upon the trial of the issues therein the said defendant was adjudged by said court to pay to the Commonwealth of Kentucky a fine of twenty-five dollars; the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did in said county as judge as aforesaid, wilfully and in violation of the statutes in such cases made and provided, order and adjudge that said fine be suspended on good behavior of the defendant, Ollie Miller, and that he be discharged from custody; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE VIII.

That the said J. E. Williams, as Judge of McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his office, in manner and form as follows: In the case of the Commonwealth of Kentucky vs. Lowell Brooks, pending in the McCreary County Court, wherein the defendant therein was accused of the offense of injuring property and upon the trial of the issues therein was adjudged by said court to serve a term of thirty days in jail, the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, in said county as judge as aforesaid, wilfully and in violation of the statutes in such cases made and provided, order and adjudge that said judgment of imprisonment be set aside and held for naught, and order and adjudge in lieu of said judgment

that the defendant Lowell Brooks pay to the Commonwealth of Kentucky a fine of ten dollars; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE IX.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: In the case of the Commonwealth of Kentucky vs. Walter White, pending in the McCreary County Court, wherein the defendant therein was accused of the offense of injuring property and upon the trial of the issues therein was adjudged by said court to serve a term of thirty days in jail, the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, in said county as judge as aforesaid, wilfully and in violation of the statutes in such cases made and provided, order and adjudge that the judgment of imprisonment be set aside and held for naught, and order and adjudge in lieu of said judgment that the defendant, Walter White, pay to the Commonwealth of Kentucky a fine of ten dollars; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE X.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: In the case of the Commonwealth of Kentucky vs. Will Strunk, pending in the McCreary County Court, wherein the defendant was accused of the crime of injuring property and upon the trial of the issues therein was adjudged by said court to serve a term of thirty days in jail, the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, in said county as judge as aforesaid, wilfully and in violation of the

statutes in such cases made and provided, order and adjudge that the judgment of imprisonment be set aside and held for naught, and order and adjudge in lieu of said judgment that the defendant, Will Strunk, pay to the Commonwealth of Kentucky a fine of ten dollars; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XI.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: The said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, wilfully and in violation of the statutes in such cases made and provided, fail to report to the McCreary Circuit Court, at its February, 1914, term, the amount of all moneys due the Commonwealth and collected by him from all sources since his last report was made, or to show from whom the money was received, the amount or date of collection, or on what account the money so collected was paid, or to report all or any unsatisfied judgments rendered by the McCreary County Court in favor of the Commonwealth of Kentucky, during the twelve months next preceding, or the name and residence of the person against whom any such judgment was rendered, or the date or amount of any such judgment, or the reason why such judgment had not been collected. That the following named persons as defendants were, by the McCreary County Court, within twelve months next preceding said term of the McCreary Circuit Court, ordered and adjudged to pay to the Commonwealth of Kentucky in satisfaction of violations of law, of which they were alleged to be and found guilty, fines in the following amounts respectively, which were collected by the said J. E. Williams as judge as aforesaid and which he wholly failed to report to said circuit court at said term, or at all, to-wit: Grover

Moses, twenty dollars; Isham Moses, twenty dollars; Silas Strunk, twenty dollars; Silas Strunk, twenty dollars; Alex. Vicery, five dollars; Law Strunk, one dollar; Mary Sheetwood, one dollar; Claude Morgan, two dollars; Asbery Chitwood, one dollar; Leander Strunk, three and 65-100 dollars; Cal Richmond, one dollar; Ed. Creekmore, one dollar; Parker Slavey, twenty-five dollars; Ducell West, seven and 40-100 dollars; Ross Keith, one dollar; John Neal, five dollars; Will A. Hall, one dollar; Asbery Chitwood, one dollar; and Frank Walters, one dollar; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XII.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: The said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, wilfully and in violation of the statutes in such cases made and provided, fail to report to the McCreary Circuit Court, at its June, 1914, term, the amount of moneys due the Commonwealth of Kentucky and collected by him from all sources since his last report was made, or to show from whom the money was received, or the amount or date of collection, or on what account the money so collected was paid, or to report all or any unsatisfied judgments rendered by the McCreary County Court in favor of the Commonwealth of Kentucky, during the twelve months next preceding, or the name and residence of the person against whom such judgment was rendered, or the date or amount of any such judgment, or the reason why any such judgment had not been collected. That the following named persons as defendants were, by the McCreary County Court, within twelve months next preceding said term of the McCreary Circuit Court, ordered and adjudged to pay to the Common-

wealth of Kentucky in satisfaction of violations of law, of which they were alleged to be and found guilty, fines in the following amounts respectively, which were collected by the said J. E. Williams as judge as aforesaid and which he wholly failed to report to said McCreary Circuit Court at its said term, or at all, to-wit: J. E. Harmon, one dollar; and E. S. Buckner, balance of fine, six dollars; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XIII.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: The said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, wilfully and in violation of the statutes in such cases made and provided, fail to report to the McCreary Circuit Court, at its August, 1914, term, the amount of all moneys due the Commonwealth of Kentucky and collected by him from all sources since his last report was made, or to show from whom the money was received, or the amount or date of collection, or on what account the money so collected was paid, or to report all or any unsatisfied judgments rendered by the McCreary County Court in favor of the Commonwealth of Kentucky, during the twelve months next preceding, or the name or residence of the person against whom any such judgment was rendered, or the date or amount of any such judgment, or the reason why such judgment had not been collected. That the following named persons as defendants were, by the McCreary County Court within twelve months next preceding said term of the McCreary Circuit Court, ordered and adjudged to pay to the Commonwealth of Kentucky, in satisfaction of violations of law, of which they were alleged to be and found guilty, fines in the following amounts respectively, which fines were collected by the

said J. E. Williams as judge as aforesaid and which he wholly failed to report to said circuit court at its said term, or at all, to-wit: Ed Hogue, twenty-three and 75-100 dollars; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XIV.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: The said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did wilfully and in violation of the statutes in such cases made and provided, fail to report to the McCreary Circuit Court, at its February, 1915, term, the amount of all moneys due the Commonwealth of Kentucky and collected by him from all sources since his last report was made, or to show from whom the money was received, or the amount or date of collection, or on what account the money so collected was paid, or to report all or any unsatisfied judgments rendered by the McCreary County Court in favor of the Commonwealth of Kentucky, during the twelve months next preceding, or the name or residence of the person against whom any such judgment was rendered, or the date or amount of any such judgment, or the reason why such judgment had not been collected. That the following named persons as defendants were, by the McCreary County Court within twelve months next preceding said term of the McCreary Circuit Court, ordered and adjudged to pay to the Commonwealth of Kentucky, in satisfaction of violations of law, of which they were alleged to be and found guilty, fines in the following amounts respectively, which fines were collected by the said J. E. Williams as judge as aforesaid and which he wholly failed to report to said circuit court at its said term, or at all, to-wit: William Crabtree, fifteen dollars;

General Gregory, balance of fine of fifteen dollars; Jeff Slavey, fifteen dollars; and Will Sellers, balance of fine, nine dollars; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XV.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: The said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, wilfully and in violation of the statutes in such cases made and provided, fail to report to the McCreary Circuit Court, at its June, 1915, term, the amount of all moneys due the Commonwealth of Kentucky and collected by him from all sources since his last report was made, or to show from whom the money was received, or the amount or date of collection, or on what account the money so collected was paid, or to report all or any unsatisfied judgments rendered by the McCreary County Court in favor of the Commonwealth of Kentucky, during the twelve months next preceding, or the name or residence of the person against whom any such judgment was rendered, or the date or amount of any such judgment, or the reason why such judgment had not been collected. That the following named persons as defendants were, by the McCreary County Court, ordered and adjudged to pay to the Commonwealth of Kentucky, in satisfaction of violations of law, of which they were alleged to be and found guilty, fines in the following amount respectively, which fines were collected by the said J. E. Williams as judge as aforesaid and which he wholly failed to report to said circuit court at its said term, or at all, to-wit: Gen. Strunk, fifteen dollars; Clint Keith, balance of fine, twenty dollars; and Tom Vailes, fifty dollars; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XVI.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: That one J. L. Richmond was, on or about the 25th day of December, 1915, imprisoned and confined in the McCreary county jail, having been theretofore arrested and confined in said jail charged with the crime of drunkenness; that the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did in said county, wilfully and corruptly, in consideration of the payment to him then and there by the said J. L. Richmond of the sum of one dollar, sign and deliver to the jailer of McCreary county a release directing the discharge of said J. L. Richmond from further custody; that in pursuance of said release said prisoner was discharged from the custody of sail jailer; to the great scandal of the Judge of the McCreary Coutny Court and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XVII.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: That during the months of November and December, 1913, and the calendar years 1914 and 1915, there were instituted and pending before the McCreary County Court, numerous causes and proceedings wherein matters in controversy were, from time to time, during said period of time, heard, considered and adjudged by said court, but the said J. E. Wlliams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, during the whole period of time aforesaid, wilfully and in violation of the statutes in such cases made and provided, fail to keep either an order book or other record book or an execution

book, or to keep a full or fair record of the said proceedings, or to enter at length or to sign the orders, decrees or proceedings had or obtained in all or any of the causes or proceedings instituted or pending during the period of time aforesaid; all against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XVIII.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: There was pending before the McCreary County Court, a court of competent juirsdiction, the case of the Commonwealth of Kentucky vs. G. W. Jones and Ed. Worley, and the issues of fact therein were heard, considered and tried by said court and a jury; that the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did in said county, wilfully and with the corrupt purpose of obtaining a verdict in said cause adverse to the defendants therein, furnish to the Jailer of McCreary County, then and there designated to summon a jury to try said cause, a list of names of persons and directed sail jailer to summon said named persons for jury service in said case, and did wilfully and corruptly permit the persons so summoned to be impaneled, sworn and to serve as jurors to try the issues of fact in said cause; to the great scandal of the then Judge of the McCreary County Court and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XIX.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: There was pending before the McCreary

County Court, a court of competent jurisdiction, the case of Ada Ballou vs. J. G. Logan, and the issues of fact therein were heard, considered and tried by said court and a jury; that the said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court, did, in said county, wilfully and with the corrupt purpose of obtaining a verdict in said cause adverse to the defendant therein, furnish to the person designated to summon a jury to try said cause, a list of names of persons, and directed the person so designated to summon the persons whose names appeared on said list as jurors in the trial of said cause, and did wilfully and corruptly permit the persons so summoned to be impaneled, sworn and to serve as jurors to try said cause; to the great scandal of the then Judge of the McCreary County Court and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE XX.

That the said J. E. Williams, as Judge of the McCreary County Court, was and is guilty of wilful and corrupt misconduct and misdemeanors in his said office, in manner and form as follows: The said J. E. Williams, then the duly elected, qualified and acting Judge of the McCreary County Court and before whom as judge as aforesaid, there was pending a forcible detainer proceeding styled, John Sampson vs. L. T. Bramer, did, in said county, with the corrupt purpose of favoring the said plaintiff and of assisting him in obtaining a verdict adverse to said defendant, wilfully and corruptly advise the Deputy Jailer of McCreary County, charged with the duty of summoning a jury to try said cause, that the said plaintiff, John Sampson, had a list of names of persons whom he desired to have summoned as jurors to serve in said cause, and did direct the said deputy jailer to call upon said plaintiff and to obtain from him such list before proceeding to summon jurors to sit in said cause; to

the great scandal of the then Judge of the McCreary County Court and against the peace and dignity of the Commonwealth of Kentucky.

Petitioners: John A. Geary, R. C. Sievers, C. E. Cain, P. M. Stephens, J. C. Roberts, W. F. Hinkle, J. R. Bruce and Logan Bryant.

Mr. Price moved the adoption of said resolution.

The yeas and nays being taken upon the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. C. G. Hobbs	William A. Perry
Frank J. Brown	A. B. Holland	Geo. L. Pickett
W. H. Brown	David J. Howard	W. A. Price
Glover H. Cary	J. M. Howell	J. D. Pumphrey
S. B. Coleman	R.B.Hutchcraft,Jr.	Richard Radcliffe
W. P. Cropper	T. R. Jones	John T. Roach
R. T. Crowe	Wm. J. Kuh	L. M. Smith
James S. Cruse	W. T. Lasley	E. D. Smith
H. C. Cummins	M. E. Lee	Claude B. Smith
S. C. Dobbs	Dr. J. E. Lilly	John W. Snider
Jas. R. Dorman	Dr. C. W. Mathers	Adam Spahn
W. E. Dowling	Claude D. Minor	J. Wood Vance
William Duffy	S. Montgomery	John S. Webb
J. R. Durham	John T. Murphy	J. D. Wills
J. M. Elliston	B. F. McAtee	Louis E. Yewell
T. T. Gardner	W. J. McMurray	E. G. Young
W. G. Gooch	C. B. Nichols	
W. B. Harvey	S. Mazyck O'Brien	—52

Those who voted in the negative were—

C. H. Bays	Jacob Metzger	Ed. D. Stone
G. G. Brashear	E. B. McGlone	Robt. R. Treadway
Henry A. Cannon	A. B. Pieratt	J. W. Wall
C. H. Grimes	Harry P. Purnell	W. M. Webb
W. H. Jones	Lewis Ryans	M. O. Wilson

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And so said resolution was adopted.

Mr. William Duffy moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Murphy offered the following resolution, viz.:

A resolution creating a commission to investigate a plan styled a systematic rotation of rural school teachers.

Whereas, the rural schools of Kentucky have not attained a standard to which they rightly belong; and,

Whereas, the rural schools are not placed upon a system which would give better results; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this State be and he is authorized to appoint a commission to investigate the merits of a plan styled a systematic rotation of rural school teachers; said commission is to serve for a term of two years without compensation. These members shall be practical school men who are in touch with the rural school problems, one of whom

shall be a county school superintendent. This commission shall make investigations throughout the rural districts of the State of Kentucky and report to the Governor on or before the convening of the next regular term of the General Assembly. This commission shall meet at the call of the chairman and shall submit their report in writing.

The purpose of this committee is to make investigations so as to enable the General Assembly to enact laws for the improvement and benefit of rural schools.

Ordered that said joint resolution lie on the clerk's desk.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 318. An act to amend an act entitled "An act to amend an act entitled 'An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrants shall be paid,' approved May 8, 1897, by repealing said act and enacting a substitute therefor," which was neither approved nor disapproved by the Governor, being chapter 72 of the Acts of 1910, and to amend an act entitled "An act to amend section 3 of chapter 72 of the Acts of 1910," approved by the Governor on March 17, 1914, being chapter 27 of the Acts of 1914, by repealing boar of said acts and enacting a substitute therefor.

To the Committee on Appropriations.

S. B. 160. An act providing for the securing of a separate farm for a House of Reform for Girls; and providing for the management thereof.

To the Committee on Juvenile Courts and Children's Homes.

S. B. 307. An act to permit all graded common school districts to levy twenty-five cents on each one hundred dollars' worth of property in such district in addition to the amount that may be now levied, for the purpose of maintaining the school and erecting and repairing buildings.

To the Committee on Education.

Also that they had failed to concur in a resolution which had originated in the House of the following title, viz.:

H. Res. 15. Joint resolution calling on Kentucky Senators and Congressmen to use all reasonable means to defeat a proposed amendment to the Federal Reserve Act, permitting national banks to establish branches.

Mr. Minor of the special committee appointed to investigate and report the annual cost of the publication of reports of the various departments of the State, presented the following report, viz.:

February 18th, 1916.

To the Hon. Speaker and Members of the House of Representatives:

We, your special committee appointed Feb. 4th, 1916, to consult with the Superintendent of Public Printing and the Auditor of Public Accounts and ascertain the annual cost of the publication of reports of the various departments of this State, beg to submit the following detailed list, as given us by said Auditor of Public Accounts and Superintendent of Public Printing, which shows the amount spent by the

several departments for publication of reports during the period from Jan. 1st, 1915, to date:

Auditor of Public Accounts	$ 539.36
Board of Control	1,190.38
Board of Equalization	150.87
Banking Department	414.23
Blind Asylum	57.07
Department of Education	7,716.98
Game and Fish Commission	240.99
State Forester	1,222.32
Hotel Inspector	11.87
Mine Inspector	568.12
Library Commission	46.29
Prison Commission	715.33
Treasury	326.65
Farmers' Institute Report	151.11
Insurance Department	3,047.90
Total	$16,399.47

This, we are advised, comprises a true and accurate list of those departments whose reports are published through the office of the Public Printer, as paid for by the Auditor, while many State institutions pay directly for the publication of their reports.

Respectfully submitted,
(Signed) CLAUDE D. MINOR, Ch'n.,
H. C. CUMMINS,
J. W. SNIDER.

Mr. L. M. Smith moved that said report be received and the committee discharged.

Said motion was agreed to.

Mr. Hamilton moved that a vote of the House be taken as to whether or not House Bill 272 had been held by the committee to which it had been referred, an unreasonable length of time, without reporting same.

Said motion was disagreed to. –

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, resolutions and bills of the following titles, viz.:

H. Res. 6. Resolution requesting the State Inspector and Examiner to furnish to the General Assembly certain information.–

H. Res. 10. Resolution accepting the terms of the Smith-Lever Bill, and authorizing the State University to receive the funds that accrue to the State of Kentucky.

H. B. 61. An act to amend section 3449 of the Kentucky Statutes, the object of which is to amend the statutes so that cities of the third class can pay for the construction of streets on installments.

H. B. 83. An act creating a State Board of Accountancy, prescribing its powers and duties, providing for examinations and issuing certificates to qualified public accountants, and providing for penalties for violations of the provisions of this act.

Whereupon all other business was suspended, said resolutons and bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives

in open session in the presence of the House, affixed his signature to each of said resolutions and bills.

Ordered that the Enrolling Clerk deliver said resolutions and bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled resolutions and bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled resolutions and bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Minor moved that the session of today be extended until such time as the call of committees for reports is completed.

Said motion was agreed to.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Minor, of the Committee on Appropriations:

S. Res. 15. Resolution providing for the adoption of the Legislative Digest as the official publication of this General Assembly and to purchase copies of same for the members of the General Assembly and certain officials.

By Mr. Elliston, of the Committee on Constitutional Amendments:

H. B. 4. An act to amend the Constitution of the Commonwealth of Kentucky as to the office of Superintendent of Public Instruction.

By Mr. Young, of the Committee on County and City Courts:

H. B. 531. An act making it unlawful to lodge for record in the office of the county court clerk any mortgage, bond or other lien unless the same secures a bona fide transaction, and imposing a penalty.

By Same:

H. B. 524. An act to amend and re-enact section 4128, Kentucky Statutes, Carroll's edition, 1915, relating to the granting of appeals from the actions of county boards of supervisors of tax.

By Mr. T. R. Jones, of the Committee on Education:

S. B. 85. An act to repeal chapter 113 of the Kentucky Statutes, Carroll's edition of 1915, being sections 4363 and 4535h, inclusive, except section 4421a and 4421b, and re-enact the same chapter with the articles and sections corrected, rearranged, simplified, and the repealed sections and parts of sections omitted, and fixing the time of year at which text book adoption shall be made.

By Mr. Hobbs, of the Committee on Municipalities:

S. B. 16. An act to amend section 2751, Kentucky Statutes, Carroll's edition of 1915, providing for the publication of general ordinances of cities of the first class, being a part of an act entitled "An act for the government of cities of the first class," approved July 1, 1893.

By Same:

S. B. 82. An act creating the office of Supervisor of Ditches, Public Drains, Non-navigable Streams, and prescribing the duties of same, in counties containing more than 250,000 population.

By Same:

S. B. 65. An act to amend chapter 89, section 2928a, Kentucky Statutes.

By Same:

S. B. 148. An act to amend section 331a, subsection 1 of an act entitled "An act to regulate the labor and employment of children and minors and to make the provisions thereof effective," approved by the Governor, March 21st, 1914.

By Same:

H. B. 419. An act to amend an act entitled "An act for the government of cities of the first class," approved July 1, 1893, relating to the sinking fund of the cities of the first class.

By Mr. Cropper, of the Committee on Public Health:

H. B. 420. An act to regulate the sale, furnishing and use of wood alcohol or wood naphtha; providing for its labeling, and providing penalties for violation thereof.

With an amendment thereto.

By Mr. Gooch, of the Committee on Public Monuments and Historical Records:

H. B. 403. An act to empower cemetery associations not organized for profit, to establish a maintenance fund and perpetual care fund, and regulating the management thereof.

By Same:

H. B. 494. An act to select commissioners to raise money and purchase heroic bronze or marble statues of John C. Breckinridge and Simon Bolivar Buckner, deceased, and to provide pedestals appropriately inscribed and to defray the expenses of transporting the same to Washington, D. C., when completed and erecting them in the National Statuary Hall at Washington, D. C.

By Mr. Perry, of the Committee on Revenue and Taxation:

H. B. 408. An act to amend section 1, subdivision 1, article 13, chapter 22 of the Acts of 1906, being an act entitled "An act relating to revenue and taxation."

By Same:

H. B. 537. An act to repeal and re-enact sections 4043, 4044, 4047, 4053, 4056, 4068, 4119, 4120, 4128, 4268, 4270, 4271, 4273, 4274, 4275, 4276, 4277, 4278, Kentucky Statutes, edition 1915, relating to the assessment of property for taxation; prescribing the duties of officers, and providing penalties for failure to discharge such duties.

By Same:

S. B. 295. An act to repeal an act approved March 18th, 1914, and known as chapter 47 of the Session Acts of 1914, and entitled "An act relating to poll or capitation tax, and providing for the collection (of but) to put one poll tax from citizens of cities of the third class."

By Mr. Cary, of the Committee on Banks and Banking:

H. B. 421. An act to amend an act entitled "An act to establish a Department of Banking; providing for the appointment of a commissioner, deputy commissioner and examiners thereof, and prescribing their duties; and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth," approved March 4th, 1912, by repealing and re-enacting sections 13 and 18, said sections relating to penalties for violation of the banking laws, and to the powers and authorities of the commissioner and deputy commissioner.

By Mr. McMurray, of the Committee on Fish and Game:

S. B. 133. An act for the protection of fish; providing methods for catching thereof and fixing penalties for violation thereof.

By Same:

S. B. 134. An act amending an act entitled "An act for the protection of game and fish."

By Same:

S. B. 173. An act for the protection of game birds and game animals; fixing open and closed seasons and providing penalties for violation.

By Mr. Barrett, of the Committee on Alcoholic Liquor Traffic:

H. B. 163. An act making it unlawful to conduct or permit to be conducted a grocery or meat market in connection with the sale of spirituous, vinous, malt or other intoxicating liquors.

By Mr. Greene, of the Committee on Insurance, Fire and Marine:

H. B. 410. An act to regulate the promotion and organization of insurance corporations.

By Mr. O'Brien, of the Committee on Rules:

S. B. 22. An act creating the Thirty-sixth Judicial District of Kentucky; fixing the time of holding courts thereof; providing for the appointment of and election of a circuit judge and Commonwealth's Attorney, and changing the Twenty-third, Thirty-first and Thirty-second Judicial Districts of Kentucky so as to provide for said Thirty-sixth District, and fixing the time for holding the courts in said district and in the other district affected.

By Mr. Gardner, of the Committee on Agriculture:

H. B. 510. An act to regulate the grading, packing, marking, shipping and sale of apples, and also to name the standard barrel for same.

With an amendment thereto.

By Same:

H. B. 530. An act to establish a division of marketing; prescribe its duties and powers and authorizing the commissioner to use $5,000.00 from any funds annually appropriated for the Department of Agriculture, Labor and Statistics, for maintaining said bureau.

Said bills were severally read the first time at length and ordered placed in the calendar.

And then the House adjourned.

AFTERNOON SESSION.

At 2 o'clock the House reconvened.

Mr. Crowe moved that the regular orders of the day be suspended long enough for the Clerk to report the calendar.

Said motion was agreed to.

The House then took up for consideration from the calendar bills of the following titles, viz.:

H. B. 519. An act to amend and re-enact section 786 of the Kentucky Statutes.

H. B. 426. An act to amend and re-enact chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, entitled "An act to provide for the organization, armament, equipment, discipline and government of the militia."

S. B. 14. An act to regulate the writing and publishing of the opinions of the Court of Appeals of Kentucky.

H. B. 428. An act to amend an act approved March 21, 1910, being chapter 50, of the Acts of 1910, entitled an act to amend an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as article 13, chapter 89, of the Kentucky Statutes, John D. Carroll's edition of 1915.

H. B. 443. An act to amend sections 5, 6, 8, 9, 10, 19, 21 and 22 of chapter III. of the Acts of 1912, entitled "An act concerning tuberculosis and to provide for the creation

of a commission to be known as the Kentucky Board of Tuberculosis Commissioners, to define its powers and to make an appropriation therefor, and to authorize and provide for the establishment of districts consisting of one or more than one county, and to authorize and provide in such district for the location, erection, organization and management of a district sanatorium for the care and treatment of tuberculosis, and authorizing county and district taxation for the purpose of making an appropriation for the purchase of necessary land and construction and equipment of necessary buildings and an annual appropriation for the maintenance of such sanatorium;" and to add to said act section 12a, providing how taxes shall be levied for the erection, equipment and maintenance of tuberculosis sanatoria, and also adding section 25a, providing for counties joining an already established sanatorium district.

With an amendment thereto.

H. B. 243. An act to regulate the shipment of intoxicating liquors into local option territory, and prohibiting any person receiving in excess of a certain quantity of such liquors in said territory, and the prohibiting of the solicitation of orders for such liquors in said territory, and providing punishment therefor.

H. B. 155. An act to further regulate the shipment by carriers of alcoholic liquors into territory where the sale of such liquors is unlawful.

S. B. 138. An act to amend section 1 of an act entitled "An act providing for the construction of bridges across navigable streams in this Commonwealth."

H. B. 504. An act to place medicinal roots and herbs on same footing, for taxation, as other growing crops.

S. B. 31. An act to amend section 69 of an act entitled "An act for the government of cities of the first class," approved July, 1893, relating to public improvements.

S. B. 155. An act to amend and re-enact section 3095, Kentucky Statutes, relating to the condemnation of property by cities of the second class.

S. B. 256. An act to empower the Board of Penitentiary Commissioners to convey land to the United States Government, lands for purposes of building locks and dams, and ceding such lands, when so conveyed.

With an amendment thereto.

S. B. 194. An act to provide for the teaching of elementary agriculture in the common schools of the State of Kentucky, and to require teachers to be examined in the subject of elementary agriculture.

H. B. 71. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

S. B. 40. An act to provide an elective system of workmen's compensation for industrial accidents; prescribing the manner of election and the rights and liabilities of employers, employes and third parties; making provision for medical and surgical care of injured employes; establishing rates of compensation for personal injuries or death; providing methods of insuring and securing the payments of such compensation; making minors *sui juris* for certain purposes; creating a board to administer this act; prescribing the duties, powers and rights thereof and imposing a tax upon insurance premiums, also a tax upon employers who

carry their own risk for the maintenance of such board and providing a system of appeal to the courts from the decisions of such board; prescribing certain penalties, with an emergency clause, and appropriating certain sums to meet the expenses of putting this act into effect, and repealing all laws and parts of laws in conflict herewith, to the extent of such conflict.

H. B. 462. An act to permit P. F. Edwards to sue the State of Kentucky.

H. B. 525. An act to regulate and fix the time and terms for holding circuit court in the Thirty-fourth Judicial District.

S. B. 236. An act to amend section 965, Kentucky Statutes, as amended by act approved March 22, 1910, changing times and terms for the sessions of courts for the First Judicial District.

H. B. 442. An act amending section 2119 of Kentucky Statutes relating to action for divorce and the duties of county attorneys relative thereto and the fees allowed such attorneys for services in such actions.

With an amendment thereto.

H. B. 503. An act making it unlawful for persons to congregate outside places of public worship.

S. B. 24. An act to provide for the erection, organization and maintenance of county high schools jointly by two or more adjacent counties.

With an amendment thereto by way of substitute therefor.

H. B. 508. An act to convey to Hart county the interest of the State of Kentucky in the Rio Bridge Company, a corporation.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were read the second time by their titles, and ordered to be placed in the orders of the day.

Mr. Hutchcraft moved that House Bill 120 which had been recommitted to the Committee on Revenue and Taxation. with leave to report at any time, be now reported by said committee and placed upon its passage.

Said motion was agreed to.

The House then took up for consideration a bill of the following title, viz.:

H. B. 120. An act providing for a progressive tax on direct and collateral inheritances.

Said Bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4281a, Kentucky Statutes (Carroll's 1909 edition) be and the same is hereby repealed and in lieu thereof the following section is enacted.

Section 4281a. Tax on property received by inheritance, etc.

Subsection 1. Transfers subject to tax.—All property which shall pass, by will or by intestate laws of this State, from any person who may die seized or possessed of the

same while a resident of this State, or if such decedent was not a resident of this State at the time of death, which property, or any part thereof, shall be within this State, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale or gift, made in contemplation of the death of the grantor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body-politic or corporate, in trust or otherwise, or by reason whereof any person or body-politic or corporate shall become beneficially entitled in possession or expectancy, to any property, or to the income thereof, shall be and is subject to a tax for the general use of the Commonwealth, upon the fair cash value of such property in excess of the exemptions hereinafter granted and at the rates hereinafter prescribed.

Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof, by any such transfer whether made before or after passage of this act, provided that property or estates which have vested in such persons or corporations before this act takes effect shall not be subject to the tax.

Subsection 2. Primary rates of taxation.—When the property or any beneficial interest therein passes by any such transfer, where the amount of the property shall exceed in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars the tax hereby imposed shall be:

Where the person entitled to the beneficial interest in any such property shall be one of Class A (i. e. the husband, wife, lineal issue, lineal ancestor of the decedent, any child adopted as such in conformity with the laws of this Commonwealth, any child to whom such decedent for not less than ten years

prior to such transfer stood in the mutually acknowledged relation of a parent, provided such relationship began at or before the child's fifteenth birthday and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child) at the rate of one per cent. of the fair market value of such interest.

Where the person entitled to the beneficial interest shall be one of Class B (i. e. the brother, sister, descendant of a brother or sister, or widow of a son, or the husband of a daughter of the decedent) at the rate of one and one-half per cent.

Where the person shall be one of Class C (i. e. the brother or sister of the father or mother, or the descendant of a brother or sister of the father or mother of the decedent) at the rate of three per cent.

Where the person is one of Class D (i. e. the brother or sister of the grandfather or grandmother or the descendant of a brother or sister of the grandfather or grandmother of the decedent) at the rate of four per cent.

Where the person is one of Class E (i. e. a person related in any other degree of collateral consanguinity than is mentioned in one of the preceding classes, a stranger in blood, or body-politic or corporate) at the rate of five per cent.

The foregoing rates are for convenience termed primary rates.

Subsection 3. Other rates of taxation.—When the fair cash value of such legacy, distributive share, or interest exceeds twenty-five thousand dollars the rates of tax upon such excess shall be as follows:

Upon the excess over twenty-five thousand dollars and up to fifty thousand dollars, one and one-half times the primary rates.

Upon the excess over fifty thousand dollars and up to one hundred thousand dollars, two times the primary rates.

Upon the excess of over one hundred thousand dollars and up to five hundred thousand dollars, two and one-half times the primary rates.

Upon the excess over five hundred thousand dollars, three times the primary rates.

Subsection 4. Exemption from tax.—The following exemptions are allowed, to be taken out of the first twenty-five thousand dollars:

To the widow of the decedent and to each minor child of the decedent, ten thousand dollars.

To each other person in Class A, five thousand dollars.

To each person in Class B, two thousand dollars.

To each person in Class C, fifteen hundred dollars.

To each person in Class D, one thousand dollars.

To each person in Class E, five hundred dollars.

Property of any amount bequeathed or transferred to any municipal corporation within this State for public purposes, to institutions of purely public charity, to institutions of education not used or employed for gain by any person or corporation and the income of which is devoted solely to the cause of education, to public libraries, or to any person

or persons, society, corporation, institution, or association in trust for any of the purposes above mentioned, shall be exempt from such tax.

§ 2. This act is intended to stand as a whole, and in the event that any part of it is held to be unconstitutional, then no part of the act shall be effective and section 4281a of the Kentucky Statutes (Carroll's 1909 edition) shall remain in force.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. E. Dowling	H. Clay Kauffman
H. F. S. Bailey	William Duffy	Wm. J. Kuh
Geo. B. Barrett	J. R. Durham	M. E. Lee
C. H. Bays	L. L. Embrey	Dr. J. E. Lilly
Chas. D. Bratcher	T. T. Gardner	Dr. C. W. Mathers
Frank J. Brown	W. G. Gooch	Jacob Metzger
W. H. Brown	C. H. Grimes	Claude D. Minor
E. Bullock	L. B. Hamilton	S. Montgomery
Glover H. Cary	W. C. G. Hobbs	G. B. Moores
R. A. Cook	A. B. Holland	John T. Murphy
A. S. Cooper	David J. Howard	B. F. McAtee
W. P. Cropper	J. M. Howell	E. B. McGlone
James S. Cruse	Chas. L. Hunter	W. J. McMurray
H. C. Cummins	R.B.Hutchcraft,Jr.	C. B. Nichols
S. C. Dobbs	J. M. Johnson	S. Mazyck O'Brien
Thomas A. Dover	T. R. Jones	William A. Perry

Geo. L. Pickett	L. M. Smith	D. B. Tyra
A. B. Pieratt	E. D. Smith	J. W. Wall
W. A. Price	Claude B. Smith	W. M. Webb
J. D. Pumphrey	Adam Spahn	J. D. Wills
Harry P. Purnell	Thomas Spurrier	M. O. Wilson
Richard Radcliffe	Ed. D. Stone	E. S. Wood
D. S. Richardson	R. C. Tartar	Louis E. Yewell
John T. Roach	Robt. R. Treadway	E. G. Young
Lewis Ryans	F. C. Trivette	—74

Those who voted in the negative were—

G. G. Brashear	J. M. Elliston	R. B. Jackson
Henry A. Cannon	Wm. Gearheart	L. T. Neat
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Resolved, that the title thereof be as aforesaid.

Mr. Hutchcraft moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Murphy moved that the rules be suspended and that House Bill 501 be taken from the orders of the day and placed upon its passage.

Said motion was agreed to.

The House then took up for consideration a bill entitled:

H. B. 501. An act prohibiting betting or wagering on horse races, other than at licensed race tracks, and prescribing a penalty therefor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, either for himself or as agent or employe of another, to bet, wager or hazard money or anything of value on a horse race run or to be run or advertised, posted or reported as being run or about to be run, at any race track in or out of this State, and any person so offending shall upon conviction be confined in the county jail not less than one nor more than twelve months.

§ 2. It shall be unlawful for any person, either for himself or as agent or employe of another, to engage in the business or occupation of receiving, making, transmitting or negotiating, either in person or by messenger, or by telephone or telegraph, bets, wagers or hazards on horse races run or to be run or advertised, posted or reported as being run or about to be run at any race track in or out of this State, and any person so offending shall, upon conviction, be confined in the county jail for a period of not less than one nor more than twelve months.

§ 3. In any prosecution under this act, or in any investigation by an examining court or grand jury, it shall be no exemption for a witness that his testimony may criminate himself; but no such testimony given by the witness shall be used against him in any prosecution except for false swearing or perjury, and he shall be discharged from liability for any violation of the law upon his part disclosed by his testimony, nor shall any person against whom he testifies be permitted to prove similar violations upon the part of such witness.

§ 4. In prosecutions under this act it shall not be incumbent upon the Commonwealth to prove that the horse

race upon which the bet or wager was made was actually run; proof that the wager or bet was made upon what purported to be or what was advertised, reported, stated or understood to be a horse race, shall be deemed sufficient to establish a prima facie case for the Commonwealth.

§ 5. The provisions of this act shall not apply to bets or wagers made within the enclosure of a race course or track licensed by the State Racing Commission during an authorized and licensed race meeting at such race track or course.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	S. C. Dobbs	R.B.Hutchcraft,Jr.
C. H. Bays	J. R. Durham	R. B. Jackson
Chas. D. Bratcher	J. M. Elliston	J. M. Johnson
G. G. Brashear	L. L. Embrey	T. R. Jones
Frank J. Brown	T. T. Gardner	W. H. Jones
W. H. Brown	W. G. Gooch	H. Clay Kauffman
E. Bullock	Frank C. Greene	M. E. Lee
Henry A. Cannon	C. H. Grimes	Dr. J. E. Lilly
Glover H. Cary	L. B. Hamilton	W. R. Lyon
A. S. Cooper	W. B. Harvey	Dr. C. W. Mathers
S. B. Coleman	W. C. G. Hobbs	Claude D. Minor
W. P. Cropper	A. B. Holland	S. Montgomery
R. T. Crowe	David J. Howard	G. B. Moores
James S. Cruse	J. M. Howell	John T. Murphy
H. C. Cummins	Chas. L. Hunter	B. F. McAtee

E. B. McGlone	D. S. Richardson	D. B. Tyra
W. J. McMurray	John T. Roach	J. W. Wall
L. T. Neat	L. M. Smith	John S. Webb
C. B. Nichols	Claude B. Smith	W. M. Webb
Geo. L. Pickett	John W. Snider	Frank M. White
A. B. Pieratt	Thomas Spurrier	J. D. Wills
W. A. Price	Ed. D. Stone	M. O. Wilson
J. D. Pumphrey	R. C. Tartar	E. S. Wood
Harry P. Purnell	Robt. R. Treadway	Louis E. Yewell
Richard Radcliffe	F. C. Trivette	E. G. Young

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Those who voted in the negative were—

Peter Ampler	William Duffy	Jacob Metzger
Geo. B. Barrett	Wm. Gearheart	S. Mazyck O'Brien
W. E. Dowling	Wm. J. Kuh	

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Resolved, that the title thereof be as aforesaid.

Mr. Murphy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Cary moved that Senate Bill 13 be taken from the orders of the day and placed upon its passage.

Said motion was agreed to.

The House then took up for consideration a bill of the following title, viz.:

S. B. 13. An act to regulate the holding of circuit court in the Sixth Judicial District of Kentucky, and amending section 965 of Kentucky Statutes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 965 of the Kentucky Statutes, in so far as it relates to the Sixth Circuit Court District be, and the same is hereby amended by striking from said section all that part which relates to the time of holding courts in the Sixth Circuit Court District, and inserting in lieu thereof the following:

Sixth District—Daviess county, at Owensboro, nine terms, beginning on the first Monday in January, twelve juridical days; the first Monday in February, eighteen juridical days; first Monday in April, eighteen juridical days; third Monday in May, twelve juridical days; third Monday in June, twelve juridical days; first Monday in September, twelve juridical days; first Monday in October, eighteen juridical days, and second Monday in December, twelve juridical days.

McLean county, at Calhoun, three terms, beginning on the third Monday in March, twelve juridical days; third Monday in July, twelve juridical days, and second Monday in November, twelve juridical days.

Ohio county, at Hartford, five terms, beginning on the first Monday in March, twelve juridical days; first Monday in May, twelve juridical days; first Monday in July, twelve juridical days; third Monday in September, twelve juridical days, and fourth Monday in November, twelve juridical days.

Hancock county, at Hawesville, three times, beginning third Monday in January, twelve juridical days; first Monday in June, twelve juridical days, and fourth Monday in October, twelve juridical days.

Because of the urgent need of the change of schedule herein provided for, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey
Geo. B. Barrett
C. H. Bays
G. G. Brashear
Frank J. Brown
W. H. Brown
E. Bullock
Henry A. Cannon
Glover H. Cary
A. S. Cooper
S. B. Coleman
W. P. Cropper
R. T. Crowe
James S. Cruse
H. C. Cummins
S. C. Dobbs
Jas. R. Dorman
W. E. Dowling
William Duffy
Odie Duncan
J. R. Durham
J. M. Elliston
L. L. Embrey
T. T. Gardner
Wm. Gearheart
W. G. Gooch
Frank C. Greene
C. H. Grimes
L. B. Hamilton
W. B. Harvey
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
Chas. L. Hunter
R.B.Hutchcraft,Jr.
R. B. Jackson
J. M. Johnson
T. R. Jones
W. H. Jones
H. Clay Kauffman
Wm. J. Kuh
M. E. Lee
Dr. J. E. Lilly
W. R. Lyon
Dr. C. W. Mathers
Jacob Metzger
Claude D. Minor
S. Montgomery
G. B. Moores
John T. Murphy
B. F. McAtee
E. B. McGlone
W. J. McMurray
L. T. Neat
C. B. Nichols
S. Mazyck O'Brien
William A. Perry
Geo. L. Pickett
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell

Richard Radcliffe	Thomas Spurrier	W. M. Webb
D. S. Richardson	Ed. D. Stone	Frank M. White
John T. Roach	R. C. Tartar	J. D. Wills
L. M. Smith	Robt. R. Treadway	M. O. Wilson
E. D. Smith	F. C. Trivette	E. S. Wood
Claude B. Smith	D. B. Tyra	Louis E. Yewell
John W. Snider	J. W. Wall	E. G. Young
Adam Spahn	John S. Webb	—86

Resolved that the title thereof be as aforesaid.

Mr. Young moved that the rules be suspended and that House Bill 250 be taken from the orders of the day and placed upon its passage.

Said motion was agreed to.

Then the House took up for consideration a bill of the following title, viz.:

H. B. 250. An act authorizing the Commonwealth of Kentucky to pay the indebtedness created against the property of the Western Normal School by the provisions of section 4535c, Kentucky Statutes, and authorizing the Board of Regents of said school to pay a part of said indebtedness out of the annual appropriation made for the support of said school and appropriating money for said purpose.

Said bill reads as follows:

Whereas, the Legislature in 1912 enacted a law authorizing the Board of Regents of the Western Normal School, located at Bowling Green, Kentucky, to borrow money and execute bonds therefor for certain purposes mentioned in that act, and further authorizing said board to execute a mortgage upon the property of said Western Normal School, and whereas said board has borrowed $100,000 pursuant to

the provisions of said act and has executed its bonds for said sum to run twenty years, $5,000 thereof to be paid at the end of each year, and whereas said act authorized the Auditor to pay the interest on said bonds as it might fall due, but whereas no provision was made for the payment of the principal; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Board of Regents of the Western Normal School is hereby authorized and empowered to pay the bond for $5,000 falling due in 1916, and the bond falling due in 1917, which bonds were executed pursuant to the provisions of the Act of 1912, and said two bonds shall be paid out of the annual appropriation heretofore made for the support and maintenance of said school.

§ 2. When the bond executed pursuant to the aforesaid act falls due in the year 1918, the Auditor of Public Accounts is hereby authorized to draw his warrant in favor of said Western Normal School for said sum as well as for the interest on the whole of said indebtedness, and each year thereafter the Auditor is authorized to draw his warrant for a like sum until the full amount of said indebtedness shall have been paid to said Western Normal School, but the money thus paid to said Western Normal School shall be used for no purpose other than to discharge said indebtedness or to repay said school or any person who has discharged any part of said indebtedness prior to the passage of this act; provided, however, that the total amount paid under the provisions of this act and under the provisions of the Act of 1912 shall not exceed the amount of said indebtedness, including the interest thereon.

Mr. Hobbs moved that House Bill 250 and amendment

thereto be postponed for further consideration until next Wednesday at 11 o'clock.

Mr. Spahn moved as an amendment to the motion that House Bill 250 be set for further hearing at 2 o'clock tomorrow.

Said motion was disagreed to.

Said motion made by Mr. Hobbs was agreed to.

Mr. Wood moved that the House do now take up for consideration the first bill in the orders of the day.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill entitled:

H. B. 222. An act to amend and re-enact section 4692, Kentucky Statutes, edition 1915, relating to State depositories.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4692, Kentucky Statutes, edition 1915, be and the same is hereby amended and re-enacted so as to read as follows:

The Treasurer shall designate in writing to the Governor, to be entered on the Executive Journal, not less than three solvent banks, each having a paid up capital of not less than forty thousand dollars, as depositories; and all public money of the State now in, or hereafter received into, the

treasury shall be deposited in said depositories in amounts as nearly equal to the capital stock of the bank as convenience will permit; and the Governor or the Treasurer may, from time to time, as may seem necessary, direct the Banking Commissioners to examine into the condition of the State depositories and the manner in which the State's account is therein kept, and report the result of such examination to the Governor or Treasurer, and if it shall at any time appear that the capital of any depository has become impaired, the Treasurer shall have power to cause the State's deposits to be withdrawn therefrom, and shall, in like manner, name another depository, which, when so named, shall, with its president and cashier, be subject to the provisions of this law. For services rendered by said depositories, there shall be no charges made of any character or description. The depositories selected shall each pay to the Commonwealth, in proportion to the deposits received, interest at such rate per annum as may be agreed upon between the Treasurer and the depositories upon the average daily deposits on hand at the close of banking hours, the same to be paid to the Treasurer at the end of each six months commencing with the date of the deposit.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed.

Mr. McMurray offered the following amendment to said bill, viz.:

Amend House Bill No. 222 as follows:

Section 1, in lines 7 and 8, by striking out the following words: "As nearly equal to the capital stock of the bank."

Said amendment was agreed to.

Mr. Dorman offered the following amendment to said bill, viz.:

Amend House Bill 222 by adding after the word "Capital," in line five, section one, the words "and surplus."

Said amendment was agreed to.

Mr. W. M. Webb moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	A. S. Cooper	Wm. Gearheart
H. F. S. Bailey	S. B. Coleman	W. G. Gooch
Geo. B. Barrett	H. C. Cummins	C. H. Grimes
C. H. Bays	S. C. Dobbs	L. B. Hamilton
Chas. D. Bratcher	Jas. R. Dorman	W. B. Harvey
G. G. Brashear	W. E. Dowling	A. B. Holland
Frank J. Brown	William Duffy	David J. Howard
W. H. Brown	Odie Duncan	J. M. Howell
E. Bullock	J. M. Elliston	Chas. L. Hunter
Henry A. Cannon	L. L. Embrey	R.B.Hutchcraft,Jr.
Glover H. Cary	T. T. Gardner	R. B. Jackson

J. M. Johnson	L. T. Neat	Adam Spahn
T. R. Jones	C. B. Nichols	Thomas Spurrier
W. H. Jones	S. Mazyck O'Brien	Ed. D. Stone
Wm. J. Kuh	William A. Perry	R. C. Tartar
Dr. J. E. Lilly	Geo. L. Pickett	Robt. R. Treadway
W. R. Lyon	A. B. Pieratt	F. C. Trivette
Dr. C. W. Mathers	W. A. Price	D. B. Tyra
Jacob Metzger	J. D. Pumphrey	J. Wood Vance
Claude D. Minor	Harry P. Purnell	J. W. Wall
S. Montgomery	Richard Radcliffe	John S. Webb
G. B. Moores	John T. Roach	W. M. Webb
John T. Murphy	L. M. Smith	Frank M. White
B. F. McAtee	E. D. Smith	M. O. Wilson
E. B. McGlone	Claude B. Smith	E. S. Wood
W. J. McMurray	John W. Snider	E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. W. M. Webb moved that the rules be suspended and that House Bill 130 be taken from the orders of the day and placed upon its passage.

The yeas and nays being called for by Messrs. Hobbs and Duffy on said motion by Mr. W. M. Webb were as follows:

Those who voted in the affirmative were—

H. F. S. Bailey	Jas. R. Dorman	David J. Howard
C. H. Bays	Thomas A. Dover	Chas. L. Hunter
Chas. D. Bratcher	L. L. Embrey	R. B. Jackson
G. G. Brashear	T. T. Gardner	J. M. Johnson
W. H. Brown	Wm. Gearheart	T. R. Jones
E. Bullock	Frank C. Greene	W. H. Jones
Henry A. Cannon	C. H. Grimes	H. Clay Kauffman
A. S. Cooper	W. B. Harvey	W. R. Lyon
James S. Cruse	W. C. G. Hobbs	Jacob Metzger

G. B. Moores	Lewis Ryans	J. W. Wall
E. B. McGlone	E. D. Smith	John S. Webb
W. J. McMurray	Thomas Spurrier	W. M. Webb
L. T. Neat	Ed. D. Stone	Frank M. White
C. B. Nichols	R. C. Tartar	M. O. Wilson
A. B. Pieratt	Robt. R. Treadway	E. S. Wood
Harry P. Purnell	F. C. Trivette	E. G. Young
John T. Roach	J. Wood Vance	

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Those who voted in the negative were—

Peter Ampler	J. M. Elliston	Geo. L. Pickett
Frank J. Brown	W. G. Gooch	W. A. Price
Glover H. Cary	A. B. Holland	J. D. Pumphrey
S. B. Coleman	J. M. Howell	Richard Radcliffe
W. P. Cropper	R.B.Hutchcraft,Jr.	D. S. Richardson
R. T. Crowe	Wm. J. Kuh	L. M. Smith
H. C. Cummins	M. E. Lee	Claude B. Smith
S. C. Dobbs	Dr. J. E. Lilly	John W. Snider
W. E. Dowling	Dr. C. W. Mathers	Adam Spahn
William Duffy	S. Montgomery	D. B. Tyra
Odie Duncan	B. F. McAtee	J. D. Wills
J. R. Durham	S. Mazyck O'Brien	Louis E. Yewell

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And so said motion was disagreed to.

Mr. Pumphrey moved that this House do now adjourn.

The yeas and nays being called for by Messrs. Webb and Hobbs on said motion were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	William Duffy	R.B.Hutchcraft,Jr.
Frank J. Brown	J. R. Durham	Dr. J. E. Lilly
S. B. Coleman	J. M. Elliston	Dr. C. W. Mathers
W. E. Dowling	Chas. L. Hunter	S. Montgomery

John T. Murphy	J. D. Pumphrey	D. B. Tyra
B. F. McAtee	D. S. Richardson	J. D. Wills
S. Mazyck O'Brien	Claude B. Smith	Louis E. Yewell
Geo. L. Pickett	John W. Snider	
W. A. Price	Adam Spahn	—25

Those who voted in the negative were—

H. F. S. Bailey	W. B. Harvey	A. B. Pieratt
C. H. Bays	W. C. G. Hobbs	Harry P. Purnell
G. G. Brashear	A. B. Holland	Richard Radcliffe
W. H. Brown	David J. Howard	Lewis Ryans
E. Bullock	J. M. Howell	L. M. Smith
Glover H. Cary	R. B. Jackson	E. D. Smith
A. S. Cooper	J. M. Johnson	Thomas Spurrier
W. P. Cropper	T. R. Jones	Ed. D. Stone
R. T. Crowe	W. H. Jones	R. C. Tartar
James S. Cruse	H. Clay Kauffman	Robt. R. Treadway
H. C. Cummins	Wm. J. Kuh	F. C. Trivette
Jas. R. Dorman	M. E. Lee	J. Wood Vance
Thomas A. Dover	W. R. Lyon	J. W. Wall
L. L. Embrey	Jacob Metzger	John S. Webb
T. T. Gardner	Claude D. Minor	W. M. Webb
Wm. Gearheart	G. B. Moores	Frank M. White
W. G. Gooch	E. B. McGlone	M. O. Wilson
Frank C. Greene	W. J. McMurray	E. S. Wood
C. H. Grimes	L. T. Neat	E. G. Young
L. B. Hamilton	C. B. Nichols	—59

And so said motion was disagreed to.

Mr. Nichols moved that the rules be suspended and that House Bill 345 be taken from the orders of the day and placed upon its passage.

Said motion was agreed to.

The House then took up for consideration a bill of the following title, viz.:

H. B. 345. An act to change the name of State University of Kentucky, Lexington, Kentucky, to University of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the name of the State University of Kentucky, Lexington, Kentucky, be changed to the University of Kentucky. This change shall not invalidate or modify in any way the laws heretofore enacted or established regulating said university, but all such laws shall remain until changed by statute.

This act to take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	E. Bullock	S. C. Dobbs
H. F. S. Bailey	Henry A. Cannon	Jas. R. Dorman
C. H. Bays	Glover H. Cary	Thomas A. Dover
Chas. D. Bratcher	S. B. Coleman	W. E. Dowling
G. G. Brashear	W. P. Cropper	William Duffy
Frank J. Brown	R. T. Crowe	Odie Duncan
W. H. Brown	James S. Cruse	J. R. Durham

J. M. Elliston	M. E. Lee	D. S. Richardson
L. L. Embrey	Dr. J. E. Lilly	John T. Roach
T. T. Gardner	W. R. Lyon	Lewis Ryans
Wm. Gearheart	Dr. C. W. Mathers	L. M. Smith
W. G. Gooch	Jacob Metzger	E. D. Smith
Frank C. Greene	Claude D. Minor	Claude B. Smith
C. H. Grimes	S. Montgomery	John W. Snider
W. B. Harvey	G. B. Moores	Adam Spahn
W. C. G. Hobbs	John T. Murphy	Thomas Spurrier
A. B. Holland	B. F. McAtee	Ed. D. Stone
David J. Howard	W. J. McMurray	R. C. Tartar
J. M. Howell	C. B. Nichols	D. B. Tyra
Chas. L. Hunter	S. Mazyck O'Brien	J. Wood Vance
R.B.Hutchcraft,Jr.	William A. Perry	J. W. Wall
J. M. Johnson	Geo. L. Pickett	John S. Webb
T. R. Jones	A. B. Pieratt	Frank M. White
W. H. Jones	J. D. Pumphrey	J. D. Wills
H. Clay Kauffman	Harry P. Purnell	M. O. Wilson
Wm. J. Kuh	Richard Radcliffe	E. G. Young

—78

Resolved, that the title thereof be as aforesaid.

Mr. Johnson moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Hobbs moved that the rules be suspended and that Senate Bill 78 be taken from the orders of the day and placed upon its passage.

Said motion was agreed to.

The House then took up for consideration a bill of the following title, viz.:

S. B. 78. An act to declare the desertion of indigent children under the age of sixteen years a felony.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The parent of any child or children residing in this Commonwealth, who shall leave, desert or abandon said child or children under the age of sixteen years, leaving said child or children in destitute or indigent circumstances and without making proper provision for the board, clothing, education and proper care of said child or children in a manner suitable to the condition and station in life of said parent and said child and children, shall be guilty of a felony and upon conviction thereof shall be punished by confinement in the penitentiary for not less than one year nor more than five years, in the discretion of the court or jury trying the case.

§ 2. The circuit courts of this Commonwealth shall be and they are hereby authorized and given power to postpone at the request of the defendant any trial under any indictment returned under this act during the good behavior of said parent or parents; and are fully authorized and empowered to suspend judgment upon any verdict of conviction during the good behavior of any such parent so offending and so convicted and shall have power over said verdict or said indictment for a period of five years from and after the return of any such indictment or the rendition of any such verdict and shall have power and authority to dismiss any such indictment or set aside any such verdict when in the exercise of a sound judicial discretion they may deem the conduct of the parent will warrant such action.

§ 3. All laws and parts of laws in conflict herewith are hereby specifically repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	L. L. Embrey	Claude D. Minor
H. F. S. Bailey	T. T. Gardner	S. Montgomery
C. H. Bays	Wm. Gearheart	G. B. Moores
Chas. D. Bratcher	W. G. Gooch	John T. Murphy
G. G. Brashear	Frank C. Greene	B. F. McAtee
Frank J. Brown	C. H. Grimes	W. J. McMurray
W. H. Brown	W. B. Harvey	C. B. Nichols
Henry A. Cannon	W. C. G. Hobbs	S. Mazyck O'Brien
Glover H. Cary	A. B. Holland	William A. Perry
A. S. Cooper	David J. Howard	Geo. L. Pickett
S. B. Coleman	J. M. Howell	A. B. Pieratt
W. P. Cropper	Chas. L. Hunter	W. A. Price
R. T. Crowe	R.B.Hutchcraft,Jr.	J. D. Pumphrey
James S. Cruse	R. B. Jackson	Harry P. Purnell
H. C. Cummins	J. M. Johnson	Richard Radcliffe
S. C. Dobbs	T. R. Jones	D. S. Richardson
Jas. R. Dorman	W. H. Jones	John T. Roach
Thomas A. Dover	Wm. J. Kuh	Lewis Ryans
W. E. Dowling	M. E. Lee	L. M. Smith
William Duffy	Dr. J. E. Lilly	E. D. Smith
Odie Duncan	W. R. Lyon	Claude B. Smith
J. R. Durham	Dr. C. W. Mathers	John W. Snider
J. M. Elliston	Jacob Metzger	Adam Spahn

Thomas Spurrier	J. Wood Vance	M. O. Wilson
Ed. D. Stone	J. W. Wall	E. S. Wood
R. C. Tartar	John S. Webb	Louis E. Yewell
Robt. R. Treadway	Frank M. White	E. G. Young
D. B. Tyra	J. D. Wills	—83

Resolved, that the title thereof be as aforesaid.

Mr. Hobbs moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Johnson moved that the rules be suspended and that House Bill 138 be taken from the orders of the day and placed upon its passage.

Said motion was agreed to.

The House then took up for consideration a bill of the following title, viz.:

H. B. 138. An act to allow the use of hoopnets in the navigable rivers of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be lawful to use a hoopnet with a two-inch mesh without wings in the navigable rivers of Kentucky.

§ 2. It is further provided that the said nets shall not be placed within five hundred feet of the mouth of any creek emptying into any of the rivers of this State, nor in the mouth of said rivers.

§ 3. It shall be the duty of all game wardens to seize and destroy all nets found within the prohibited distance mentioned in this act.

§ 4. All laws or parts of laws in conflict herewith are repealed.

Mr. Minor offered the following amendment to said bill, viz.:

Amend section 1 of House Bill 138 by striking out the words "two-inch" in line one and substituting the words "two feet" therefor.

Said amendment was disagreed to.

Mr. Coleman offered the following amendment to said bill, viz.:

Amend House Bill 138, paragraph No. 1, to read as follows: "It shall be lawful to use hoopnets of not less than 2 inch mesh without wings, and having a cross-section, area at the mouth, not to exceed the same as a circle of 1 foot in diameter and placed not closer together than 40 feet in navigable rivers of Kentucky."

Said amendment was disagreed to.

Mr. Harvey offered the following amendment to said bill, viz.:

Amend section one by inserting in line one after the word "mesh" and before the word "without" the words "and not exceeding a five-foot mouth."

Said amendment was agreed to.

Mr. Crowe moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and refused.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. B. Harvey	L. T. Neat
Chas. D. Bratcher	A. B. Holland	William A. Perry
Frank J. Brown	David J. Howard	John T. Roach
W. H. Brown	J. M. Howell	Adam Spahn
J. R. Durham	J. M. Johnson	Ed. D. Stone
J. M. Elliston	T. R. Jones	Robt. R. Treadway
L. L. Embrey	W. H. Jones	J. W. Wall
T. T. Gardner	M. E. Lee	Frank M. White
Frank C. Greene	W. R. Lyon	—26

Those who voted in the negative were—

Peter Ampler	S. B. Coleman	William Duffy
C. H. Bays	W. P. Cropper	Odie Duncan
G. G. Brashear	R. T. Crowe	Wm. Gearheart
E. Bullock	James S. Cruse	W. G. Gooch
Henry A. Cannon	H. C. Cummins	W. C. G. Hobbs
Glover H. Cary	Jas. R. Dorman	R.B.Hutchcraft,Jr.
R. A. Cook	Thomas A. Dover	H. Clay Kauffman
A. S. Cooper	W. E. Dowling	Wm. J. Kuh

Dr. J. E. Lilly	Geo. L. Pickett	R. C. Tartar
Dr. C. W. Mathers	A. B. Pieratt	D. B. Tyra
Jacob Metzger	W. A. Price	J. Wood Vance
Claude D. Minor	J. D. Pumphrey	John S. Webb
S. Montgomery	Harry P. Purnell	W. M. Webb
G. B. Moores	D. S. Richardson	M. O. Wilson
John T. Murphy	Lewis Ryans	E. S. Wood
B. F. McAtee	L. M. Smith	Louis E. Yewell
W. J. McMurray	E. D. Smith	E. G. Young
C. B. Nichols	Claude B. Smith	
S. Mazyck O'Brien	John W. Snider	—55

Mr. Hutchcraft moved that the vote by which said bill was refused be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. L. M. Smith moved that the rules be suspended and that House Bill 71 be taken from the orders of the day and set down as a special order on Saturday next at 11 o'clock a. m.

Said motion was agreed to.

Mr. White moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 3, 1916.

The House was opened with prayer by the Rev. Thomas J. Gravatt, Pastor of the Episcopal Church, of Frankfort, Kentucky.

The reading of the House Journal of yesterday was dispensed with.

By the unanimous consent of the House Mr. E. S. Wood was granted an indefinite leave of absence.

By the unanimous consent of the House the Hon. Eugene G. Asher, ex-member of this House, was granted the privilege of the floor of this House.

In accordance with a resolution adopted on yesterday the Speaker of the House appointed the following committee to prosecute the articles of impeachment against J. E. Williams before the Senate of Kentucky:

Messrs. Price, Pumphrey, Hutchcraft, Duffy, Perry, Hobbs and O'Brien.

Upon a call of the counties and representative districts the following bills were introduced, ordered printed, and referred as follows, viz.:

By Mr. Minor:

H. B. 552. An act to amend an act entitled, "An act to make it unlawful for any common carrier of passengers in this State to issue or give, and for any person to accept or use, or attempt to use, except as provided in this act, any free pass or free transportation; and requiring such carriers to file in the office of the Attorney General verified reports of free passes or free transportation issued, and prescribing penalties for violations of its provisions," and enacted by the Kentucky Legislature of 1916, and approved February 10, 1916.

To the Committee on Railroads.

By Mr. Murphy:

H. B. 553. An act to amend Section 4464 of the Kentucky Statutes, relative to attesting by the trial judge the transcript of testimony taken by an official stenographic reporter.

To the Committee on Circuit Courts.

By Mr. Lilly:

H. B. 554. An act to amend and re-enact Sub-section 2 of Section 1596a, Kentucky Statutes (Carroll's 1915 Edition), relating to the County Board of Election Commissioners.

To the Committee on Suffrage and Elections.

Mr. Crowe, of the Committee on Rules, called from the Committee on Agriculture, the Committee on Railroads, the Committee on State University and Normal Schools, the Committee on Kentucky Statutes, the Committee on Classification of Cities and Towns, bills of the following numbers, viz.: House Bill 331, Senate Bill 223, House Bill 541, Senate Bill 258, Senate Bill 75, which bills were reported by the chairman of the respective committees as follows:

Mr. Gardner, of the Committee on Agriculture:

H. B. 331. An act to regulate the sale of leaf tobacco in this State.

Mr. Pickett, of the Committee on Railroads:

S. B. 223. An act prescribing the duties and powers of the Railroad Commission with reference to express companies, steamboats and steamboat companies, telegraph companies and telephone companies.

Mr. Nichols, of the Committee on State University and Normal Schools:

H. B. 541. An act relating to agricultural extension work and home economics, accepting the provisions of the act of Congress providing for co-operative agricultural extension work between agricultural colleges, which act was approved May 8, 1914; providing that such work shall be done under the direction of the Kentucky University, Lexington, Kentucky; changing the name of said University to University of Kentucky; amending and re-enacting Section 1 of Chapter 3, Acts of 1908; amending and re-enacting Section 15, Kentucky Statutes 1903; providing for the appointment of trustees of the University of Kentucky; creating an Extension Committee to have charge of extension work under the supervision of the University of Kentucky; providing for the election of an Executive Committee for the University of Kentucky; amending and re-enacting Section 13 of the Act of March 21, 1906, creating the State Board of Agriculture, Forestry and Immigration; repealing Section 2 of an act for the benefit of the Department of Agriculture, Labor and Statistics, approved March 11, 1912; appropriating money for the University of Kentucky; providing for the establishment of a marketing bureau; authorizing the Fiscal Courts of the counties and the Boards of Education of counties to appropriate money for extension work, and amending and re-enacting Section 5 of an act for the benefit of the Department of Agriculture, approved March 21, 1906.

Mr. Kauffman, of the Committee on Kentucky Statutes:

S. B. 258. An act to amend Section 2516 of the Kentucky Statutes.

Mr. Lee, of the Committee on Classification of Cities and Towns:

S. B. 75. An act to amend Sections 2740 and 2741 of Article 1, Chapter 89, of Kentucky Statutes, Carroll's Revised Edition 1915, relating to the classification of cities and towns.

Said bills were severally read the first time at length, and ordered placed in the calendar.

The House then took up for consideration from the calendar bills of the following title, viz.:

S. Res. 15. Resolution providing for the adoption of the Legislative Digest as the official publication of this General Assembly and to purchase copies of same for the members of the General Assembly and certain officials.

H. B. 4. An act to amend the Constitution of the Commonwealth of Kentucky as to the office of Superintendent of Public Instruction.

H. B. 531. An act making it unlawful to lodge for record in the office of the County Court Clerk any mortgage, bond or other lien unless the same secures a bona fide transaction, and imposing a penalty.

H. B. 524. An act to amend and re-enact Section 4128, Kentucky Statutes, Carroll's Edition 1915, relating to the granting of appeals from the actions of County Boards of Supervisors of Tax.

S. B. 85. An act to repeal Chapter 113 of the Kentucky Statutes, Carroll's Edition of 1915, being Sections 4363 and 4535h, inclusive, except Section 4421a and 4421b, and re-enact the same chapter with the articles and sections corrected, re-arranged, simplified, and the repealed sections and parts

of sections omitted, and fixing the time of year at which text book adoption shall be made.

S. B. 16. An act to amend Section 2751, Kentucky Statutes, Carroll's Edition of 1915, providing for the publication of general ordinances of cities of the first class, being a part of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

S. B. 82. An act creating the office of Supervisor of Ditches, Public Drains, Non-navigable Streams, and prescribing the duties of same, in counties containing more than 250,000 population.

S. B. 65. An act to amend Chapter 89, Section 2928a, Kentucky Statutes.

S. B. 148. An act to amend Section 331a, Sub-section 1, of an act entitled, "An act to regulate the labor and employment of children and minors and to make the provisions thereof effective," approved by the Governor, March 21, 1914.

H. B. 419. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, relating to the sinking fund of the cities of the first class.

H. B. 420. An act to regulate the sale, furnishing and use of wood alcohol or wood naphtha, providing for its labeling, and providing penalties for violation thereof.

With an amendment thereto.

H. B. 403. An act to empower cemetery associations not organized for profit, to establish a maintenance fund and perpetual care fund, and regulating the management thereof.

H. B. 49. An act to select commissioners to raise money and purchase heroic bronze or marble statues of John C. Breckenridge and Simon Boliver Buckner, deceased, and to provide pedestals appropriately inscribed and to defray the expenses of transporting the same to Washington, D. C., when completed and erecting them in the National Statuary Hall at Washington, D. C.

H. B. 408. An act to amend Section 1, Subdivision 1, Article 13, Chapter 22, of the Acts of 1906, being an act entitled, "An act relating to revenue and taxation."

H. B. 537. An act to repeal and re-enact Sections 4043, 4044, 4047, 4053, 4056, 4068, 4119, 4120, 4128, 4268, 4270, 4271, 4273, 4274, 4275, 4276, 4277, 4278, Kentucky Statutes, Edition 1915, relating to the assessment of property for taxation; prescribing the duties of officers, and providing penalties for failure to discharge such duties.

S. B. 295. An act to repeal an act approved March 18, 1914, and known as Chapter 47 of the Session Acts of 1914, and entitled, "An act relating to poll or capitation tax and providing for the collection (of but) to put one poll tax from citizens of cities of the third class."

H. B. 421. An act to amend an act entitled, "An act to establish a department of banking, providing for the appointment of a commissioner, deputy commissioner and examiners thereof, and prescribing their duties; and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth," approved March 4, 1912, by repealing and re-enacting Sections 13 and 18, said sections relating to penalties for violation of the banking laws, and to the powers and authorities of the commissioner and deputy commissioner.

S. B. 133. An act for the protection of fish; providing methods for catching thereof and fixing penalties for violation thereof.

S. B. 134. An act amending an act entitled, "An act for the protection of game and fish."

S. B. 173. An act for the protection of game birds and game animals; fixing open and closed seasons and providing penalties for violation.

H. B. 163. An act making it unlawful to conduct or permit to be conducted a grocery or meat market in connection with the sale of spirituous, vinous, malt or other intoxicating liquors.

H. B. 410. An act to regulate the promotion and organization of insurance corporations.

S. B. 22. An act creating the Thirty-sixth Judicial District of Kentucky; fixing the time of holding courts thereof; providing for the appointment of and election of a Circuit Judge and Commonwealth's Attorney, and changing the Twenty-third, Thirty-first and Thirty-second Judicial Districts of Kentucky so as to provide for said Thirty-sixth District, and fixing the time for holding the courts in said district and in the other district affected.

H. B. 510. An act to regulate the grading, packing, marking, shipping and sale of apples, and also to name the standard barrel for same.

With an amendment thereto.

H. B. 530. An act to establish a division of marketing, prescribe its duties and powers and authorizing the Commis-

sioner to use $5,000.00 from any funds annually appropriated for the Department of Agriculture, Labor and Statistics, for maintaining said bureau.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were read the second time by their titles, and ordered to be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 295. An act to amend Section 1 of an act entitled, "An act authorizing corporations organized or empowered to construct a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, using, distributing and selling water power, electricity or electrical energy, to exercise the right of eminent domain," approved March 4, 1908, and being Sub-section 1 of Section 1599b of Carroll's Kentucky Statutes 1915, so that when so amended said act will authorize all corporations heretofore or hereafter authorized under the laws of this State to conduct the business of producing and supplying electricity for purposes of light, heat or power, and which shall be engaged, or shall hereafter desire to engage in the business of the transmission of such electricity, to exercise the power of eminent domain.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of an act entitled, "An act authorizing corporations organized or empowered to construct a dam or dams in any river or stream in this State for the

purpose of improving navigation or developing, using, distributing and selling water power, electricity or electrical energy, to exercise the right of eminent domain," approved March 4, 1908, and being Sub-section 1 of Section 1599b of Carroll's Kentucky Statutes 1915, be amended so that when so amended said section shall read as follows:

That every corporation heretofore or hereafter organized for the purpose of constructing, or empowered to construct a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, distributing and selling water power, electricity or electrical energy, and every corporation heretofore or hereafter authorized under the laws of this State to conduct the business of producing and supplying electricity for purpose of light, heat or power, shall have power to cause examinations and surveys to be made for its proposed dam or dams, reservoirs, ponds, locks, bridges, power stations, roads, conduits, and transmission lines, as well as the land that may be overflowed by the erection of any dam or dams, or other structures, and for such purpose, by its officers, agents or servants, to enter from time to time upon any lands or waters for the purpose of making such surveys or examinations, subject to liability for actual damage done, and the corporation shall, before entering upon any land for the above named purpose, deposit with the clerk of the county court of the county in which such property is located, a bond to the Commonwealth of Kentucky in the penal sum of an amount fixed by the county court, the same not to be in excess of double the last assessed valuation of such property to be so surveyed or examined, conditioned to indemnify all persons for actual damages sustained on account of making any examination or survey, and when the location of such dam or dams, reservoirs, or ponds, locks, bridges, or power stations, roads, conduits and transmission lines (including the placing and maintenance of poles,

wires, cross-arms and all other equipment incident thereto), as well as the land that may be overflowed by the erection of such dam or dams, shall from time to time be determined; such corporation shall cause a survey and map to be made of the land entered upon, which map shall be signed by the president and secretary, and filed in the office of the clerk of the county court of the county in which the lands shown on such map are situated.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Thomas A. Dover	H. Clay Kauffman
H. F. S. Bailey	William Duffy	Wm. J. Kuh
Geo. B. Barrett	Odie Duncan	W. T. Lasley
C. H. Bays	J. R. Durham	Dr. J. E. Lilly
G. G. Brashear	J. M. Elliston	Dr. C. W. Mathers
Frank J. Brown	T. T. Gardner	Claude D. Minor
W. H. Brown	Wm. Gearheart	S. Montgomery
E. Bullock	W. G. Gooch	G. B. Moores
Glover H. Cary	W. C. G. Hobbs	John T. Murphy
R. A. Cook	A. B. Holland	B. F. McAtee
A. S. Cooper	David J. Howard	E. B. McGlone
S. B. Coleman	Chas. L. Hunter	W. J. McMurray
R. T. Crowe	R.B.Hutchcraft,Jr.	C. B. Nichols
H. C. Cummins	R. B. Jackson	S. Mazyck O'Brien
S. C. Dobbs	J. M. Johnson	A. J. Oliver
Jas. R. Dorman	T. R. Jones	William A. Perry

Geo. L. Pickett	Claude B. Smith	J. Wood Vance
A. B. Pieratt	John W. Snider	Frank M. White
W. A. Price	Adam Spahn	J. D. Wills
D. S. Richardson	Ed. D. Stone	Louis E. Yewell
John T. Roach	R. C. Tartar	E. G. Young
L. M. Smith	J. H. Thompson	
E. D. Smith	D. B. Tyra	—67

There voted in the negative—

Robt. R. Treadway —1

Resolved that the title thereof be as aforesaid.

Mr. Kauffman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 294. An act to amend Section 1 of an act entitled, "An act to authorize certain conditions and restrictions, the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the business of producing and supplying by water power, electricity for lighting, heating and power purposes," approved March 17, 1908, and being Sub-section 1 of Section 1599c of Carroll's Kentucky Statutes 1915, so that when so amended said act will authorize all persons, firms or corporations engaged in the business of producing and supplying electricity for lighting, heating or power purposes, to use the public highways, roads and turnpikes, under certain conditions and restrictions, and giving to such persons, firms or corporations the authority to exercise the power of eminent domain for such purposes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1 of an act entitled, "An act to authorize, under certain conditions and restrictions, the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the business of producing and supplying by water power, electricity for lighting, heating and power purposes," approved March 17, 1908, and being Sub-section 1 of Section 1599c of the Kentucky Statutes, be amended so that said Section 1, when so amended, shall read as follows:

Any person, firm or corporation authorized under the laws of this State to conduct the business of producing and supplying electricity for purposes of light, heat or power, and which shall be engaged, or which shall hereafter desire to engage, in the business of the transmission of such electricity, after making just compensation, shall have the right to construct and maintain transmission lines, including the placing and maintenance of poles, wires, cross-arms and all other equipment incident thereto, for use in the transmission and distribution of electricity, on, along or across any highway, public road or turnpike, and over, under or across any of the waters of this State, and to construct and maintain along any highway, public road or turnpike, all such erections and appliances as shall be necessary to transform, convert and apply such electricity to the purposes of lighting, heating or power, and to distribute and deliver same to the persons, firms and public or private corporations using the same: Provided, that the fixtures of said company shall not interfere with, obstruct or endanger the travel on and along said highways, public roads or turnpikes, nor obstruct the navigation of said waters, and that the location of all transmission lines shall be subject to the reasonable direc-

tion and regulation of the authorities having control of the highways, public roads, turnpikes and waters through and over which such lines are constructed, or proposed to be constructed, and shall be so located as not to interfere with existing telegraph or telephone lines or their use. And, provided, further, that nothing in this act shall be construed to prevent the property owners from obtaining damages for such rights.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	S. C. Dobbs	Chas. L. Hunter
H. F. S. Bailey	Jas. R. Dorman	R.B.Hutchcraft,Jr.
Geo. B. Barrett	Thomas A. Dover	R. B. Jackson
C. H. Bays	William Duffy	J. M. Johnson
G. G. Brashear	Odie Duncan	T. R. Jones
Frank J. Brown	J. R. Durham	W. H. Jones
W. H. Brown	J. M. Elliston	H. Clay Kauffman
E. Bullock	L. L. Embrey	Wm. J. Kuh
Henry A. Cannon	T. T. Gardner	W. T. Lasley
Glover H. Cary	Wm. Gearheart	Dr. J. E. Lilly
R. A. Cook	W. G. Gooch	W. R. Lyon
A. S. Cooper	Frank C. Greene	Dr. C. W. Mathers
S. B. Coleman	W. C. G. Hobbs	Jacob Metzger
R. T. Crowe	A. B. Holland	Claude D. Minor
James S. Cruse	David J. Howard	S. Montgomery
H. C. Cummins	J. M. Howell	G. B. Moores

John T. Murphy	D. S. Richardson	D. B. Tyra
B. F. McAtee	John T. Roach	J. W. Wall
W. J. McMurray	L. M. Smith	John S. Webb
C. B. Nichols	E. D. Smith	Frank M. White
S. Mazyck O'Brien	Claude B. Smith	J. D. Wills
A. J. Oliver	John W. Snider	M. O. Wilson
William A. Perry	Adam Spahn	Louis E. Yewell
Geo. L. Pickett	Ed. D. Stone	E. G. Young
A. B. Pieratt	R. C. Tartar	
W. A. Price	F. C. Trivette	—76

There voted in the negative—

Robt. R. Treadway —1

Resolved that the title thereof be as aforesaid.

Mr. Kauffman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 417. An act to prevent deception and misrepresentation in the sales of metallic commodities, and providing a penalty therefor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person, firm, or corporation, foreign or domestic, his or its agent, servant or employe, doing business

in the State of Kentucky, who intentionally or for the purpose of deceiving any customer or purchaser, misbrands or misrepresents the kind, gauge, analysis, weight, quality or quantity of any metallic commodity offered for sale, or if it be an imitation of or offered for sale under the distinctive name of another article, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each violation.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Thomas A. Dover	T. R. Jones
Geo. B. Barrett	William Duffy	W. H. Jones
C. H. Bays	J. R. Durham	H. Clay Kauffman
G. G. Brashear	J. M. Elliston	Wm. J. Kuh
Frank J. Brown	Wm. Gearheart	W. T. Lasley
W. H. Brown	W. G. Gooch	M. E. Lee
Henry A. Cannon	Frank C. Greene	Dr. J. E. Lilly
Glover H. Cary	W. C. G. Hobbs	W. R. Lyon
R. A. Cook	A. B. Holland	Dr. C. W. Mathers
A. S. Cooper	David J. Howard	Jacob Metzger
S. B. Coleman	J. M. Howell	Harry J. Meyers
James S. Cruse	Chas. L. Hunter	S. Montgomery
H. C. Cummins	R.B.Hutchcraft,Jr.	G. B. Moores
S. C. Dobbs	R. B. Jackson	B. F. McAtee
Jas. R. Dorman	J. M. Johnson	E. B. McGlone

W. J. McMurray	John T. Roach	Robt. R. Treadway
C. B. Nichols	Lewis Ryans	F. C. Trivette
S. Mazyck O'Brien	E. D. Smith	D. B. Tyra
A. J. Oliver	Claude B. Smith	J. W. Wall
William A. Perry	John W. Snider	Frank M. White
A. B. Pieratt	Adam Spahn	J. D. Wills
W. A. Price	Ed. D. Stone	M. O. Wilson
J. D. Pumphrey	R. C. Tartar	Louis E. Yewell
D. S. Richardson	J. H. Thompson	E. G. Young

—72

Resolved, that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 418. An act to amend Carroll's Edition, Kentucky Statutes, 4303 (17).

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 17 of 4303, by striking out the word "responsible" and adding in lieu thereof "and best" so that said Statute, when amended, will read as follows:

"Contract letting for public roads. All bids for the work to be let to contract made under the provisions of this chapter, whether for construction or maintenance, shall be received at the time and place specified in the advertisement

and shall be opened publicly at the time of letting and the amount of items comprising each bid shall be publicly announced and the contract, if let, shall be to the lowest and best bidder, who shall furnish satisfactory security in an amount equal to the amount of the contract in question to be approved by the county judge of the county. The Fiscal Court may as protection to the county, reserve from payment twenty per cent. of the amount accruing on said contract until the completion of said work and the same is approved by the County Road Engineer. The Fiscal Court may reject any and all bids, and, if thought advisable, may re-advertise for and receive bids.''

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	James S. Cruse	W. C. G. Hobbs
Geo. B. Barrett	H. C. Cummins	David J. Howard
C. H. Bays	S. C. Dobbs	J. M. Howell
G. G. Brashear	Jas. R. Dorman	R.B.Hutchcraft,Jr.
Frank J. Brown	Thomas A. Dover	R. B. Jackson
W. H. Brown	William Duffy	J. M. Johnson
Henry A. Cannon	Odie Duncan	T. R. Jones
Glover H. Cary	J. R. Durham	W. H. Jones
R. A. Cook	J. M. Elliston	Wm. J. Kuh
A. S. Cooper	L. L. Embrey	Dr. J. E. Lilly
S. B. Coleman	Wm. Gearheart	W. R. Lyon
R. T. Crowe	W. G. Gooch	Dr. C. W. Mathers

Jacob Metzger	W. A. Price	J. H. Thompson
Harry J. Meyers	J. D. Pumphrey	Robt. R. Treadway
Claude D. Minor	Harry P. Purnell	F. C. Trivette
S. Montgomery	D. S. Richardson	D. B. Tyra
G. B. Moores	John T. Roach	J. W. Wall
John T. Murphy	Lewis Ryans	Frank M. White
B. F. McAtee	E. D. Smith	J. D. Wills
W. J. McMurray	Claude B. Smith	M. O. Wilson
C. B. Nichols	John W. Snider	Louis E. Yewell
William A. Perry	Adam Spahn	E. G. Young
Geo. L. Pickett	Ed. D. Stone	
A. B. Pieratt	R. C. Tartar	—70

Resolved, that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 23. An act to amend Section 201 of the Constitution of the Commonwealth of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the members elected to each House, the yeas and nays being taken thereon and entered in full in their respective journals, Section 201 of the Constitution of this State be amended so that it shall read as follows:

Section 201. No railroad, telegraph, telephone, bridge, or common carrier company shall consolidate its capital stock, franchises, or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge or common carrier company, owning a parallel or competing line or structure, or acquire by purchase, lease or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying: Provided, however, that telephone companies may acquire by purchase or lease, or otherwise, and operate, parallel or competing exchanges, lines and structures, and the property of other telephone companies, if the railroad commission or such other State commission as may have jurisdiction over such matters shall first consent thereto, and if, further, each municipality wherein such property or any part thereof is located shall also first consent thereto as to the property within its limits, but under any such acquisition and operation toll line connections with the property so acquired shall be continued and maintained under an agreement between the purchasing company and the toll line companies then furnishing such service, and in the event they are unable to agree as to the terms of such an agreement the railroad commission or such other State commission as may have jurisdiction over such matters, shall fix the term of such agreement.

§ 2. That this amendment shall be submitted to the voters of the State for their ratification or rejection at the time and manner provided for under Section 256 of the Constitution of Kentucky, and under Section 1459, of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1915.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler
H. F. S. Bailey
Geo. B. Barrett
C. H. Bays
G. G. Brashear
Frank J. Brown
W. H. Brown
E. Bullock
Henry A. Cannon
Glover H. Cary
R. A. Cook
A. S. Cooper
S. B. Coleman
R. T. Crowe
James S. Cruse
H. C. Cummins
S. C. Dobbs
Jas. R. Dorman
Thomas A. Dover
William Duffy
Odie Duncan
J. R. Durham
L. L. Embrey
T. T. Gardner
Wm. Gearheart
W. G. Gooch
W. B. Harvey
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
Chas. L. Hunter
R.B.Hutchcraft,Jr.
R. B. Jackson
J. M. Johnson
T. R. Jones
W. H. Jones
H. Clay Kauffman
Wm. J. Kuh
W. T. Lasley
M. E. Lee
Dr. J. E. Lilly
W. R. Lyon
Dr. C. W. Mathers
Jacob Metzger
Harry J. Meyers
Claude D. Minor
S. Montgomery
G. B. Moores
John T. Murphy
B. F. McAtee
E. B. McGlone
W. J. McMurray
L. T. Neat
C. B. Nichols
S. Mazyck O'Brien
A. J. Oliver
William A. Perry
Geo. L. Pickett
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
Richard Radcliffe
D. S. Richardson
John T. Roach
Lewis Ryans
L. M. Smith
E. D. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Ed. D. Stone
R. C. Tartar
J. H. Thompson
Robt. R. Treadway
F. C. Trivette
D. B. Tyra

J. Wood Vance	Frank M. White	Louis E. Yewell
J. W. Wall	J. D. Wills	E. G. Young
John S. Webb	M. O. Wilson	—86

Resolved, that the title thereof be as aforesaid.

Mr. Wm. Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills originating in that body of the following titles, viz.:

S. B. 316. An act in relation to pandering; to define and prohibit the same; to provide for the punishment thereof; for the competency of certain evidence at, and the venue of the trial thereof.

To the Committee on Criminal Law.

S. B. 283. An act to require all conveyances of real property to state therein the true consideration and providing a penalty for a violation of this act.

To the Committee on Kentucky Statutes.

S. B. 297. An act to permit counties to vote a tax for the improvement and construction of the public roads and bridges of the county.

To the Committee on Public Roads and Highways.

S. B. 257. An act to amend and re-enact Chapter 142 of the Acts of the General Assembly of the Commonwealth

of Kentucky, approved March 19, 1912, entitled, "An act to provide for the organization, armament, equipment, and government of the militia."

To the Committee on Military Affairs.

S. B. 322. An act creating the State Insurance Board to supervise the operation of fire insurance rate making bureaus and providing for their examination, prohibiting rebating and discrimination in fixing and collecting fire insurance rates; requiring companies to maintain and co-operate in maintaining and operating rate making bureaus, requiring inspection and survey by such bureaus of all risks specifically rated, and regulating agreements between insurance companies and their insurers with respect to fixing and collecting fire insurance rates; prescribing the powers of fire insurance companies; providing for agents' license and qualifications; protecting against fire insurance in unauthorized companies; providing for the prevention of fire waste and for the establishment of the office of State Fire Marshal, fixing salaries and expenditures and prescribing duties; prohibiting over-insurance; providing for, organizing and regulating certain kinds of insurance upon the mutual, reciprocal or inter-insurance plan, empowering corporations to participate therein; providing penalties for violation; providing conditions under which insurance may be effected upon the Lloyd's plan, and penalty for violation thereof, and repealing existing statutes.

To the Committee on Insurance, Fire and Marine.

Mr. Crowe moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

AFTERNOON SESSION.

At 2 o'clock the House reconvened.

Mr. Crowe, of the Committee on Rules, called up for consideration the amendments proposed by the Senate to House Bill 2, which bill is entitled:

H. B. 2. An act to promote pure elections, primaries and conventions, and to prevent corrupt practice in the same; to limit the expenses of candidates; to prescribe the duties of candidates and providing penalties and remedies for violations and declaring void, under certain conditions, elections in which these provisions or any of them have been violated.

(For said bill see House Journal of January 28, and for said amendments see House Journal of February 29).

Mr. Vance moved the previous question on said amendments.

The Speaker stated: Shall the main question on said amendments be now put?

Said question was decided in the affirmative.

The yeas and nays being taken on the adoption of said amendments to said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	S. B. Coleman	Jas. R. Dorman
Frank J. Brown	W. P. Cropper	Thomas A. Dover
Henry A. Cannon	R. T. Crowe	W. E. Dowling
Glover H. Cary	H. C. Cummins	William Duffy
A. S. Cooper	S. C. Dobbs	J. R. Durham

J. M. Elliston	M. E. Lee	Lewis Ryans
L. L. Embrey	Dr. J. E. Lilly	L. M. Smith
T. T. Gardner	Dr. C. W. Mathers	E. D. Smith
Wm. Gearheart	Jacob Metzger	Claude B. Smith
W. G. Gooch	Claude D. Minor	John W. Snider
Frank C. Greene	S. Montgomery	Adam Spahn
C. H. Grimes	G. B. Moores	Ed. D. Stone
W. B. Harvey	John T. Murphy	R. C. Tartar
W. C. G. Hobbs	W. J. McMurray	Robt. R. Treadway
A. B. Holland	L. T. Neat	F. C. Trivette
David J. Howard	C. B. Nichols	D. B. Tyra
J. M. Howell	S. Mazyck O'Brien	J. Wood Vance
Chas. L. Hunter	A. J. Oliver	J. W. Wall
R.B.Hutchcraft,Jr.	William A. Perry	John S. Webb
J. M. Johnson	Geo. L. Pickett	Frank M. White
T. R. Jones	A. B. Pieratt	J. D. Wills
H. Clay Kauffman	W. A. Price	Louis E. Yewell
Wm. J. Kuh	J. D. Pumphrey	E. G. Young
W. T. Lasley	Harry P. Purnell	—71

Those who voted in the negative were—

C. H. Bays	E. Bullock	E. B. McGlone
Chas. D. Bratcher	R. A. Cook	M. O. Wilson
W. H. Brown	James S. Cruse	—8

And so said amendments were concurred in.

Mr. O'Brien moved that the vote by which said amendments were adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Said bill, as amended, was then finally passed.

The yeas and nays being taken on the final passage of

said bill as amended, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. C. G. Hobbs	A. J. Oliver
Frank J. Brown	A. B. Holland	William A. Perry
W. H. Brown	David J. Howard	A. B. Pieratt
E. Bullock	J. M. Howell	W. A. Price
Henry A. Cannon	Chas. L. Hunter	J. D. Pumphrey
Glover H. Cary	R.B.Hutchcraft,Jr.	Harry P. Purnell
A. S. Cooper	J. M. Johnson	Lewis Ryans
S. B. Coleman	T. R. Jones	L. M. Smith
R. T. Crowe	W. H. Jones	E. D. Smith
James S. Cruse	H. Clay Kauffman	Claude B. Smith
H. C. Cummins	Wm. J. Kuh	John W. Snider
S. C. Dobbs	W. T. Lasley	Adam Spahn
Jas. R. Dorman	M. E. Lee	Ed. D. Stone
Thomas A. Dover	Dr. J. E. Lilly	R. C. Tartar
W. E. Dowling	Dr. C. W. Mathers	Robt. R. Treadway
William Duffy	Jacob Metzger	F. C. Trivette
J. R. Durham	Claude D. Minor	D. B. Tyra
J. M. Elliston	S. Montgomery	J. Wood Vance
L. L. Embrey	G. B. Moores	J. W. Wall
T. T. Gardner	John T. Murphy	John S. Webb
Wm. Gearheart	E. B. McGlone	Frank M. White
W. G. Gooch	W. J. McMurray	J. D. Wills
Frank C. Greene	L. T. Neat	Louis E. Yewell
C. H. Grimes	C. B. Nichols	E. G. Young
W. B. Harvey	S. Mazyck O'Brien	—74

Those who voted in the negative were—

R. A. Cook	W. R. Lyon	—2

Mr. Vance moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Crowe, of the Committee on Rules, called up for consideration from the orders of the day a bill of the following title, viz.:

H. B. 179. An act to amend an act entitled, "An act creating boards of education for cities of the second class, providing for the election thereof, defining their powers and duties, and repealing all laws in conflict therewith." (Passed and approved by the General Assembly of the Commonwealth of Kentucky and approved by the Governor on the 19th day of March, 1912, being Chapter 137 of the Acts of 1912.)

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of an act entitled, "An act creating boards of education for cities of the second class; providing for the election thereof; defining their powers and duties, and repealing all laws in conflict therewith," be and the same is hereby amended by adding to the end thereof the following:

"To aid in the purchase of real estate for school purposes, the board may acquire said property by deed with purchase money lien retained, or it may mortgage the property so purchased to secure a balance of purchase money or to raise funds with which to effect the purchase and may refund, renew or extend any encumbrance on school property by executing a new mortgage on same property."

So that said section when thus amended shall read as follows:

Section 2. Every such board of education shall have general and supervising control, government and management

of the public schools, including kindergartens, night and normal schools and high schools as hereinafter provided, and public school property in such city, with the right to use said property to promote public education in such ways as it may deem necessary and proper; shall exercise generally all powers in the administration of the public school system therein, appoint such officers, agents and employes as it may deem necessary and proper and fix their compensation and term of office; shall have power to fix the time of its meetings, to make, amend, and repeal rules and by-laws for its meetings and proceedings, for the government, regulation and management of the public schools and school property in such city, for the transaction of its business, and for the examination, qualification and employment of teachers, which rules and by-laws, when not inconsistent with the general laws of the State, shall be binding on such board of education and all parties dealing with it until formally repealed by an affirmative vote of four members of said board; to provide for special and standing committees; to provide for the appointment of a medical inspector for the schools and to take such other steps as may be proper and necessary to secure and maintain the physical welfare of the pupils therein; to certify to the general council or the board of commissioners the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and personal, deemed by it necessary for the purposes of public education, or for the investment of the public school funds, to build and construct improvements for such purposes, and to hold or sell the same. To aid in the purchase of real estate for school purposes, the board may acquire said property by deed with purchase money lien retained, or it may mortgage the property so purchased to secure a balance of purchase money or to raise funds with which to effect the purchase and may refund, renew or

extend any encumbrance on school property by executing a new mortgage on the same property.

§ 2. That Section 22 of said act be and the same is hereby stricken out and the following inserted in lieu thereof, viz.:

Section 22. The board may, if it prefer, contract with the city within which it operates, to act as its treasurer for such time not exceeding four years and upon such terms as said board and the governing authorities of said city may agree.

If the board of education desires a bank or trust company to act as its treasurer, it may by resolution fix the term, which shall be not less than one nor longer than four years, for which it shall so act, and may then advertise for bids from the banks and trust companies for the best terms upon which they will act as treasurer, and receive and safely keep the deposits of the board. The bids shall specify the rate of interest, if any, to be allowed the board upon its deposits and the terms, if any, upon which same will be allowed, and the rate of interest, if any, to be charged for loans, and the terms upon which same will be made, and the nature of the security offered by the bidder on its bond.

That bid shall be accepted from which the board will realize the most money, considering the interest to be allowed on deposits and to be paid on loans, if the bid is otherwise satisfactory, and the board shall have power to reject any any and all bids.

The board shall then enter into a contract and bond with the successful bidder to act as treasurer for the term so fixed, the amount of said bond to be fixed and the surety approved by the board.

In letting and contracting for its treasurership, it may do so jointly with the city within which it operates, or separately, as it prefers.

All moneys due the board shall be paid to the business director and, by him, deposited daily with the treasurer so designated.

§ 3. That Section 24 of said act be and the same is hereby amended by inserting after the word "departments" the following:

"Including the current expense funds, the insurance or restoration fund and the site and building fund;"

And that it be further amended by adding thereto the following:

"If in any of the current expense funds (not including special funds such as sinking funds, trust funds, insurance or restoration funds, site and building funds and those realized from the sale of bonds), there remain at the end of any fiscal year a surplus apportioned, but not used or needed for the purpose for which it may have been set apart, the same may be carried into and set apart as a portion of the permanent 'site and building fund' and accumulated and used solely for the purchase of sites or the erection, remodeling, rebuilding, or improvement of school buildings, or put into and set apart as a portion of the insurance or restoration fund to be used solely in restoring or replacing buildings and equipment injured or destroyed by fire or casualty."

So said section when thus amended shall read as follows:

Section 24. It shall be the duty of such board of education at the beginning of each fiscal year, to apportion the rev-

enue available for that year to the different departments (including the current expense funds, the insurance or restoration fund and the site and building fund), for expenditure in support of the schools for that year, and no report or resolution shall be adopted by the board calling for the expenditure of money unless it states specifically the fund from which the appropriation is to be made, and is accompanied by the certificate of the business director that there is a balance in such fund available for such expenditure. If in any of the current expense funds (not including special funds such as sinking funds, trust fund, insuranec or restoration funds, and site and building funds, and those realized from the sale of bonds), there remain at the end of any fiscal year a surplus apportioned, but not used or needed for the purpose for which it may have been set apart, the same may be carried into and set apart as a portion of the permanent "site and building" fund and accumulated and used solely for the purchase of sites or the erection, remodeling, rebuilding, or improvement of school buildings, or put into and set apart as a portion of the insurance or restoration fund to be used solely in restoring or replacing buildings and equipment injured or destroyed by fire or casualty.

§ 4. That Section 26 of said act be amended by inserting after the words "city purposes" at the end of the first sentence thereof, the following words:

"And in addition thereto, to be levied and collected annually a rate that will raise a sum sufficient to pay the interest on the bonded indebtedness of the board of education and create a sinking fund for the payment of the principal thereof at maturity,"

And by inserting after the words "fiscal year" in the second sentence thereof the following words:

"And the amount of money necessary to pay the interest on its bonded indebtedness and create a sinking fund for the payment of the principal thereof, at maturity."

And strike out the word "conducting" in the second sentence of said section and insert in lieu thereof the word "maintaining," and strike from the third sentence of said section the word "schools" and insert in lieu thereof the words "maintenance purposes," and to insert after the words "disregard the excess" at the end of the third sentence the words:

"But a rate that will raise a sum of money sufficient to pay into and create a sinking fund for the payment of the bonded indebtedness shall be levied and collected in addition thereto."

And by adding after the words "year before," at the end of Section 26 of said act, the following words:

"The word 'maintenance' as used in this act shall be construed to mean and include the expenses of conducting the schools, of the accumulation of a site and building fund to be used solely to acquire or enlarge sites or erect, restore, rebuild, remodel or equip school buildings, and of the creation and accumulation of an insurance or restoration fund to be used solely to aid in the restoration of buildings injured or destroyed by fire or casualty."

So that said Section 26 when thus amended shall read as follows, to-wit.:

Section 26. To raise money for the maintenance of the schools, the general council or board of commissioners shall annually cause to be levied and collected as the board of education may request as hereinafter provided, a tax of not less than thirty cents on each one hundred dollars' worth of prop-

erty assessed for taxation for city purposes, and in addition thereto to be levied and collected annually a rate that will raise a sum sufficient to pay the interest on the bonded indebtedness of the board of education and create a sinking fund for the payment of the principal thereof at maturity. It shall be the duty of the board of education annually to make a careful estimate of the probable amount of money necessary for maintaining the schools and the business entrusted to the board during the current fiscal year, and the amount of money necessary to pay the interest on its bonded indebtedness and create a sinking fund for the payment of the principal thereof at maturity, and it shall, prior to the first day of December, certify said amount to the general council or board of commissioners with the request that a tax for schools sufficient to realize for said board the amount aforesaid shall be levied on each one hundred dollars' worth of property assessed for taxation for city purposes, and that said levy shall be included in the annual ordinance for said year. If, in any year the amount so certified and requested, shall represent a tax rate as based upon the total assessment of taxable property for said year greater than forty cents for maintenance purposes, the general council or board of commissioners may fix the levy for maintenance purposes at forty cents and disregard the excess, but a rate that will raise a sum of money sufficient to pay the interest and create a sinking fund for the payment of the bonded indebtedness shall be levied and collected in addition thereto. If, in any year, the board shall fail to make the certificate and request as aforesaid, the general council or board of commissioners shall make a levy for schools that shall be the same as it was the year before. The word "maintenance" as used in this act shall be construed to mean and include the expenses of conducting the schools, of the accumulation of a site and building fund to be used solely to acquire or enlarge sites or erect, restore, rebuild, remodel or equip school buildings, and of the creation and accumulation of an

insurance or restoration fund to be used solely to aid in the restoration of buildings injured or destroyed by fire or casualty.

§ 5. That Section 28 of said act be amended by striking out the following part thereof at the beginning of said section, viz.:

"Whenever the board of education shall deem it necessary for the proper accommodation of the schools of such city to purchase a site or sites to erect school houses for the high schools or for the other schools, or for any or all those purposes, and the annual funds raised from other sources are not sufficient to accomplish said purpose or purposes and a bond issue is necessary."

And by substituting therefor the following language, to-wit:

"Whenever the board of education shall deem it necessary for the proper accommodation of the schools of such city, to acquire or enlarge sites for school buildings, or to erect, improve, remodel, rebuild, or restore buildings for high schools or for any school purpose, or for any or all these purposes," and by striking from the second sentence of said section the word "municipal," and by striking from the second sentence the following words:

"Provide the date," etc. ....
"retire such bonds at maturity."

And inserting in lieu thereof, the following, viz.:

"Fix the time the bonds shall run, and if a serial issue, then the amount to mature at each time, and limit the rate of interest which will be permitted on said bonds, and the total

amount of bonds to be issued, and provide for the levy of a tax to pay the interest and to either redeem the bonds as they mature, or provide for the accumulation of a sinking fund to retire them at their maturity."

And by striking out the words "two hundred and fifty thousand dollars" occurring in the second paragraph of said section, and by substituting therefor the following, to-wit:

"Two (2) per centum on the value of the taxable property of the city to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness;"

And that it be further amended by inserting after the words "how they shall be sold" in the first sentence of the third paragraph the following words, viz.:

"And the date, number of bonds, denominations, whether coupon or registered, the rate of interest and frequency of payment thereof, place of payment of principal and interest and any other details it desires embodied in the bonds or in the ordinance providing for their issue and shall certify same to the governing body of said city, who shall at once adopt an ordinance in conformity therewith and cause the bonds to at once be properly prepared, and executed and turned over to the Board of Education for sale and delivery."

So that said section as thus amended shall read as follows:

Section 28. Whenever the Board of Education shall deem it necessary for the proper accommodation of the schools of such city to acquire or enlarge sites for school buildings, to erect, improve, remodel, rebuild or restore buildings for high schools or for any other school purpose, or for any or all

these purposes, and the annual funds raised from other sources, are not sufficient to accomplish said purpose or purposes, said board shall make a careful estimate of the probable amount of money required for such purpose or purposes and it shall certify to the General Council or Board of Commissioners of said city the fact that an election for an issue of bonds for school improvement shall be held, together with the amount of money for which bonds shall be issued and the purpose or purposes to which the proceeds thereof shall be applied. It shall thereupon be the duty of the General Council or Board of Commissioners to adopt an ordinance submitting to the qualified voters of the city at the next regular election the question whether bonds of the city shall be issued for the purpose or purposes aforesaid. The bonds so issued shall be designated as "school improvement bonds," and the ordinance shall fix the time the bonds shall run, and if a serial issue, then the amount to mature at each time, and limit the rate of interest which will be permitted on said bonds, and the total amount of bonds to be issued, and provide for the levy of a tax to pay the interest and to either redeem the bonds as they mature, or provide for the accumulation of a sinking fund to retire them at their maturity.

No submission of the question of issuing bonds hereunder shall be had prior to the regular election in November, 1913, and the total outstanding issue of bonds for school purposes, including bonds already issued, shall never exceed two (2) per centum of the value of the taxable property of the city to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness. The question to be submitted shall be so framed that the voter may by his vote answer FOR or AGAINST.

If the voters of the city shall determine by a two-thirds majority of those voting that such bonds shall be issued, they

shall, when so issued, be placed under the control of the Board of Education, who shall determine when and at what price and how they shall be sold, and the date, number of bonds, denominations, whether coupon or registered, the rate of interest and frequency of payment thereof, place of payment of principal and interest and any other details it desires embodied in the bonds or in the ordinance providing for their issue and shall certify same to the governing body of said city, who shall at once adopt an ordinance in conformity therewith and cause the bonds to at once be properly prepared, and executed and turned over to the Board of Education for sale and delivery. Provided, That no such bonds shall be sold for less than par; and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the bonds are sold their proceeds shall be placed to the credit of the board in the same depository which is selected for its other funds, but shall be kept in a separate account and shall be used only for the purposes for which the bonds were issued.

It shall be the duty of the General Council or of the Board of Commissioners, in addition to the levy made for the maintenance of the schools as hereinbefore provided, to levy annually in its tax levy a rate that will raise a sum that shall be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. The said bonds, principal, and interest shall be a charge upon the sinking fund of said city, and it shall be entitled to have the annual tax that shall be levied as aforesaid.

§ 6. All laws in conflict herewith are hereby repealed.

The Committee on Municipalities offered the following amendment, by way of substitute therefor, to said bill.

Said substitute reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of an act entitled, "An act creating boards of education for cities of the second class, providing for the election thereof, defining their powers and duties, and repealing all laws in conflict therewith," be and the same is hereby amended by adding to the end thereof the following:

"To aid in the purchase of real estate for school purposes, the board may acquire said property by deed with purchase money lien retained, or it may mortgage the property so purchased to secure a balance of purchase money or to raise funds with which to effect the purchase and may refund, renew or extend any encumbrance on school property by executing a new mortgage on the same property for a less amount."

So that said section when thus amended shall read as follows:

"Section 2. Every such board of education shall have general and supervising control, government and management of the public schools, including kindergartens, night and normal schools and high schools as hereinafter provided, and public school property in such city, with the right to use said property to promote public education in such ways as it may deem necessary and proper; shall exercise generally all powers in the administration of the public school system therein, appoint such officers, agents and employes as it may deem necessary and proper and fix their compensation and term of office; shall have power to fix the time of its meetings, to make, amend, and repeal rules and by-laws for its meetings and proceedings, for the government, regulation and management of the public schools and school property in such city, for the transaction of its business, and for the examination, qualification and employment of teachers, which rules and by-

laws, when not inconsistent with the general law of the State, shall be binding on such board of education and all parties dealing with it until formally repealed by an affirmative vote of four members of said board; to provide for special and standing committees; to provide for the appointment of a medical inspector for the schools and to take such other steps as may be proper and necessary to secure and maintain the physical welfare of the pupils therein; to certify to the general council or the board of commissioners the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and personal, deemed by it necessary for the purposes of public education, or for the investment of the public school funds, to build and construct improvements for such purposes, and to hold or sell the same. To aid in the purchase of real estate for school purposes, and to hold or sell the same. To aid in the purchase of real estate for school purposes, the board may acquire said property by deed with purchase money lien retained, or it may mortgage the property so purchased to secure a balance of purchase money or to raise funds with which to effect the purchase and may refund, renew or extend any encumbrance on school property by executing a new mortgage on the same property for a less amount."

§ 2. That Section 22 of said act be and the same is hereby stricken out and the following inserted in lieu thereof, viz.:

"Section 22. The board may, if it prefer, contract with the city within which it operates, to act as its treasurer for such time not exceeding four years and upon such terms as said board and the governing authorities of said city may agree.

"If the board of education desires a bank or trust com-

pany to act as its treasurer, it may by resolution fix the term, which shall be not less than one nor longer than four years, for which it shall so act and may then advertise for bids from the banks and trust companies for the best terms upon which they will act as treasurer, and receive and safely keep the deposits of the board. The bids shall specify the rate of interest, if any, to be allowed the board upon its deposits and the terms, if any, upon which same will be allowed, and the rate of interest, if any, to be charged for loans, and the terms upon which same will be made, and the nature of the security offered by the bidder on its bond.

"That bid shall be accepted from which the board will realize the most money, considering the interest to be allowed on deposits and to be paid on loans, if the bid is otherwise satisfactory, and the board shall have power to reject any and all bids.

"The board shall then enter into a contract and bond with the successful bidder to act as treasurer for the term so fixed, the amount of said bond to be fixed and the surety approved by the board.

"In letting and contracting for its treasurership, it may do so jointly with the city within which it operates, or separately, as it prefers.

"All moneys due the board shall be paid to the business director and, by him, deposited daily with the treasurer so designated."

§ 3. That Section 24 of said act be and the same is hereby amended by inserting after the word "departments" the following:

"Including the current expense funds, the insurance or restoration fund and the site and building fund."

And that it be further amended by adding thereto the following:

"If in any of the current expense funds (not including special funds such as sinking fund, trust fund, insurance or restoration funds, site and building funds and those realized from the sale of bonds), there remain at the end of any fiscal year a surplus apportioned but not used or needed for the purpose for which it may have been set apart, the same may be carried into and set apart as a portion of the permanent 'site and building fund' and accumulated and used solely for the purchase of sites, or the erection, remodeling, rebuilding, or improvement of school buildings, or put into and set apart as a portion of the insurance or restoration fund to be used solely in restoring or replacing buildings and equipment injured or destroyed by fire or casualty."

So that said section when thus amended shall read as follows:

"Section 24. It shall be the duty of such board of education at the beginning of each fiscal year, to apportion the revenue available for that year to the different departments (including the current expense funds, the insurance or restoration fund and the site and building fund), for expenditure in support of the schools for that year, and no report or resolution shall be adopted by the board calling for the expenditure of money unless it states specifically the fund from which the appropriation is to be made, and is accompanied by the certificate of the business director that there is a balance in such fund available for such expenditure. If in any of the current expense funds (not including special funds such as sinking funds, trust funds, insurance or restoration funds, and

the site and building funds, and those realized from the sale of bonds), there remain at the end of any fiscal year a surplus apportioned but not used or needed for the purpose for which it may have been set apart, the same may be carried into and set apart as a portion of the permanent "site and building fund" and accumulated and used solely for the purchase of sites or the erection, remodeling, rebuilding, or improvement of school buildings, or put into and set apart as a portion of the insurance or restoration fund to be used solely in restoring or replacing buildings and equipment injured or destroyed by fire or casualty."

§ 4. That Section 26 of said act be amended by inserting after the words "city purposes" at the end of the first sentence thereof, the following words:

"And in addition thereto, to be levied and collected annually a rate that will raise a sum sufficient to pay the interest on the bonded indebtedness of the board of education and create a sinking fund for the payment of the principal thereof at maturity."

And by inserting after the words "fiscal year" in the second sentence thereof the following words:

"And the amount of money necessary to pay the interest on its bonded indebtedness and create a sinking fund for the payment of the principal thereof at maturity."

And to strike from the second sentence of said section the words "first day of December" and insert in lieu thereof the words "fifth day of January."

And strike out the word "conducting" in the second sentence of said section and insert in lieu thereof the word "maintaining," and strike from the third sentence of said section

the word "schools" and insert in lieu thereof the words "maintenance purposes," and to insert after the words "disregard the excess" at the end of the third sentence the words:

"But a rate that will raise a sum of money sufficient to pay into and create a sinking fund for the payment of the bonded indebtedness shall be levied and collected in addition thereto."

And by adding after the words "year before," at the end of Section 26 of said act, the following words:

"The word 'maintenance' as used in this act shall be construed to mean and include the expenses of conducting the schools, of the accumulation of a site and building fund to be used solely to acquire or enlarge sites or erect, restore, rebuild, remodel or equip school buildings, and of the creation and accumulation of an insurance or restoration fund to be used solely to aid in the restoration of buildings injured or destroyed by fire casualty."

So that said Section 26 when thus amended shall read as follows to-wit:

"Section 26. To raise money for the maintenance of the schools, the general council or board of commissioners shall annually cause to be levied and collected as the board of education may request as hereinafter provided, a tax of not less than thirty cents on each one hundred dollars' worth of property assessed for taxation for city purposes, and in addition thereto to be levied and collected annually a rate that will raise a sum sufficient to pay the interest on the bonded indebtedness of the board of board of education and create a sinking fund for the payment of the principal thereof at maturity. It shall be the duty of the board of education annually to make a careful estimate of the probable amount of money necessary

for maintaining the schools and the business entrusted to the board during the current fiscal year, and the amount of money necessary to pay the interest on its bonded indebtedness and create a sinking fund for the payment of the principal thereof at maturity, and it shall, prior to the fifth day of January, certify said amount to the general council or board of commissioners with the request that a tax for schools sufficient to realize for said board the amount aforesaid shall be levied on each one hundred dollars' worth of property assessed for taxation for city purposes, and that said levy shall be included in the annual ordinance for said year. If, in any year the amount so certified and requested, shall represent a tax rate as based upon the total assessment of taxable property for said year, greater than forty cents for maintenance purposes, the general council or board of commissioners may fix the levy for maintenance purposes at forty cents and disregard the excess, but a rate that will raise a sum of money sufficient to pay the interest and create a sinking fund for the payment of the bonded indebtedness shall be levied and collected in addition thereto. If, in any year, the board shall fail to make the certificate and request as aforesaid, the general council or board of commissioners shall make a levy for schools that shall be the same as it was the year before. The word 'maintenance' as used in this act shall be construed to mean and include the expenses of conducting the schools, of the accumulation of a site and building fund to be used solely to acquire or enlarge sites or erect, restore, rebuild, remodel or equip school buildings, and of the creation and accumulation of an insurance or restoration fund to be used solely to aid in the restoration of buildings injured or destroyed by fire or casualty."

§ 5. That Section 28 of said act be amended by striking out the following part thereof at the beginning of said section, viz.:

"Whenever the board of education shall deem it necessary for the proper accommodation of the schools of such city to purchase a site or sites to erect school houses for the high schools or for the other schools, or for any or all those purposes, and the annual funds raised from other sources are not sufficient to accomplish said purpose or purposes and a bond issue is necessary," and by substituting therefor the following language, to-wit:

"Whenever the board of education shall deem it necessary for the proper accommodation of the schools of such city, to acquire or enlarge sites for school buildings, or to erect, improve, remodel, rebuild, or restore buildings for high schools or for any school purpose, or for any or all these purposes."

And by striking from the second sentence of said section the words "regular municipal election," and inserting in lieu thereof the words "election at which either members of said board of education or city officials are to be elected," and by striking from the second sentence the following words:

"Provide the date and maturity of such bonds, the rate of interest they shall bear, and the total amount to be issued; and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity."

And inserting in lieu thereof, the following, viz.:

"Fix the time the bonds shall run, and if a serial issue, then the amount to mature at each time, and limit the rate of interest which will be permitted on said bonds, and the total amount of bonds to be issued, and provide for the levy of a

tax to pay the interest and to either redeem the bonds as they mature, or provide for the accumulation of a sinking fund to retire them at their maturity."

And by striking out the words "two hundred and fifty thousand dollars" occurring in the second paragraph of said section, and by substituting therefor the following, to-wit:

"Two (2) per centum on the value of the taxable property of the city to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness."

And that it be further amended by inserting after the words "how they shall be sold" in the first sentence of the third paragraph the following words, viz.:

"And the date, number of bonds, denominations, whether coupon or registered, the rate of interest and frequency of payment thereof, place of payment of principal and interest and any other details it desires embodied in the bonds or in the ordinance providing for their issue and shall certify same to the governing body of said city, who shall at once adopt an ordinance in conformity therewith and cause the bonds to at once be properly prepared, executed and turned over to the board of education for sale and delivery."

So that said section as thus amended shall read as follows:

"Section 26. Whenever the board of education shall deem it necessary for the proper accommodation of the schools of such city to acquire or enlarge sites for school buildings, to erect, improve, remodel, rebuild or restore buildings for high schools or for any other school purpose, or for any or all these purposes, and the annual funds raised from other sources,

are not sufficient to accomplish said purpose or purposes, said board shall make a careful estimate of the probable amount of money required for such purpose or purposes and it shall certify to the general council or board of commissioners of said city the fact that an election for an issue of bonds for school improvement shall be held, together with the amount of money for which bonds shall be issued and the purpose or purposes to which the proceeds thereof shall be applied. It shall thereupon be the duty of the general council or board of commissioners to adopt an ordinance submitting to the qualified voters of the city at the next regular election the question whether bonds of the city shall be issued for the purpose or purposes aforesaid. The bonds so issued shall be designated as "school improvement bonds," and the ordinance shall fix the time the bonds shall run, and if a serial issue, then the amount to mature at each time, and limit the rate of interest which will be permitted on said bonds, and the total amount of bonds to be issued, and provide for the levy of a tax to pay the interest and to either redeem the bonds as they mature, or provide for the accumulation of a sinking fund to retire them at their maturity.

"No submission of the question of issuing bonds hereunder shall be had prior to the regular election in November, 1913, and the total outstanding issue of bonds for school purposes, including bonds already issued, shall never exceed two (2) per centum of the value of the taxable property of the city to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness. The question to be submitted shall be so framed that the voter may by his vote answer for or against.

"If the voters of the city shall determine by a two-thirds majority of those voting that such bonds shall be issued, they shall, when so issued, be placed under the control of the board of education, who shall determine when and at what price and

how they shall be sold, and the date, number of bonds, denominations, whether coupon or registered, the rate of interest and frequency of payment thereof, place of payment of principal and interest and any other details it desires embodied in the bonds or in the ordinance providing for their issue and shall certify same to the governing body of said city, who shall at once adopt an ordinance in conformity therewith and cause the bonds to at once be properly prepared, and executed and turned over to the board of education for sale and delivery: Provided, That no such bonds shall be sold for less than par; and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the bonds are sold, their proceeds shall be placed to the credit of the board in the same depository which is selected for its other funds, but shall be kept in a separate account and shall be used only for the purposes for which the bonds were issued.

"It shall be the duty of the general council or of the commissioners, in addition to the levy made for the maintenance of the schools as hereinbefore provided, to levy annually in its tax levy a rate that will raise a sum that shall be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. The said bonds, principal and interest, shall be a charge upon the sinking fund of said city, and it shall be entitled to have the annual tax that shall be levied as aforesaid."

§ 6. All laws in conflict herewith are hereby repealed.

"Whereas, the date for the selection of a treasurer under the act to which this act is an amendment and under this act, falls at such a time as will produce doubt and confusion in the business affairs of the boards of education of four large cities, an emergency is hereby declared to exist and it is here-

by ordained that this act shall take effect from and after its approval by the Governor.

And so said amendment, by way of substitute therefor, was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and, as amended by way of substitute therefor, was passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Wm. Gearheart	Dr. C. W. Mathers
C. H. Bays	W. G. Gooch	Jacob Metzger
Chas. D. Bratcher	Frank C. Greene	Claude D. Minor
Frank J. Brown	C. H. Grimes	S. Montgomery
W. H. Brown	W. B. Harvey	G. B. Moores
Henry A. Cannon	W. C. G. Hobbs	John T. Murphy
Glover H. Cary	A. B. Holland	B. F. McAtee
R. A. Cook	David J. Howard	E. B. McGlone
A. S. Cooper	J. M. Howell	W. J. McMurray
S. B. Coleman	Chas. L. Hunter	L. T. Neat
James S. Cruse	R.B.Hutchcraft,Jr.	C. B. Nichols
H. C. Cummins	J. M. Johnson	S. Mazyck O'Brien
S. C. Dobbs	T. R. Jones	A. J. Oliver
Jas. R. Dorman	W. H. Jones	William A. Perry
Thomas A. Dover	H. Clay Kauffman	Geo. L. Pickett
William Duffy	Wm. J. Kuh	A. B. Pieratt
J. R. Durham	M. E. Lee	W. A. Price
J. M. Elliston	Dr. J. E. Lilly	J. D. Pumphrey
T. T. Gardner	W. R. Lyon	Harry P. Purnell

D. S. Richardson	Ed. D. Stone	Frank M. White
Lewis Ryans	R. C. Tartar	J. D. Wills
L. M. Smith	Robt. R. Treadway	M. O. Wilson
E. D. Smith	D. B. Tyra	Louis E. Yewell
Claude B. Smith	J. Wood Vance	E. G. Young
John W. Snider	J. W. Wall	
Adam Spahn	John S. Webb	—76

Resolved that the title thereof be as aforesaid.

Mr. Murphy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 101. An act to amend charters of cities of the first class and to authorize cities of the first class to support by the levy of a tax or otherwise a municipal university.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the general council of any city of the first class, which has a municipal university as defined in this act, may annually cause to be levied and collected for support of such university a tax of not more than five cents on each one hundred dollars' worth of property subject to taxation for city purposes.

§ 2. A municipal university, within the meaning of this act, is a university established or supported in whole or in part by funds raised by municipal taxation and controlled by

a board of trustees appointed by the Mayor and general council of such municipal corporation and consisting of departments united under one organization or management, affording instruction in the arts, sciences and professions, and conferring degrees.

§ 3. Such levy shall be made by the general council at the same time and in like manner as other levies for municipal purposes, and the amount levied shall be placed to the credit of the university fund upon completion of the assessment of property for taxation, and paid as collected, subject to such discount as is allowed on other city taxes, in regular weekly installments, by the treasurer of the city to the treasurer of the university.

§ 4. The general council of such municipal corporation having a municipal university may devote to university purposes from time to time any other funds not derived from taxes levied for a special purpose.

§ 5. A municipal university shall be entitled to support under this act only when its chief work is the maintenance of courses of instruction in advance of, or supplementary to, the instruction maintained in high schools under the control of the boards of education.

§ 6. The general council of such municipal corporation may set apart or appropriate as a site for the buildings and grounds of such a municipal university any public grounds of the city not specially appropriated or dedicated by ordinance to any other use.

§ 7. An annual report and audit of receipts and disbursements of funds received by a municipal university under this act shall be made in addition to such other report on the condition of the university as may be required by its charter.

The Committee on Municipalities offered the following amendment to said bill, viz.:

Amend Section 1 by striking therefrom the following: "A tax of not more than five cents on each one hundred dollars' worth of property subject to taxation for city purposes," and inserting in lieu thereof the following: "A tax of not less than one cent nor more than three cents on each one hundred dollars' worth of property subject to taxation for city purposes."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. H. Bays	William Duffy	J. M. Howell
Frank J. Brown	J. R. Durham	Chas. L. Hunter
W. H. Brown	J. M. Elliston	R.B.Hutchcraft,Jr.
E. Bullock	T. T. Gardner	J. M. Johnson
Henry A. Cannon	Wm. Gearheart	T. R. Jones
Glover H. Cary	W. G. Gooch	W. H. Jones
A. S. Cooper	Frank C. Greene	H. Clay Kauffman
S. B. Coleman	C. H. Grimes	Wm. J. Kuh
James S. Cruse	W. B. Harvey	W. T. Lasley
H. C. Cummins	W. C. G. Hobbs	Dr. J. E. Lilly
Jas. R. Dorman	A. B. Holland	Dr. C. W. Mathers
Thomas A. Dover	David J. Howard	Jacob Metzger

Claude D. Minor	Geo. L. Pickett	R. C. Tartar
S. Montgomery	A. B. Pieratt	Robt. R. Treadway
G. B. Moores	W. A. Price	F. C. Trivette
John T. Murphy	J. D. Pumphrey	D. B. Tyra
B. F. McAtee	Harry P. Purnell	J. Wood Vance
E. B. McGlone	Lewis Ryans	J. W. Wall
W. J. McMurray	L. M. Smith	John S. Webb
L. T. Neat	E. D. Smith	J. D. Wills
C. B. Nichols	Claude B. Smith	Louis E. Yewell
S. Mazyck O'Brien	John W. Snider	E. G. Young
A. J. Oliver	Adam Spahn	
William A. Perry	Ed. D. Stone	—70

Resolved that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill entitled:

H. B. 110. An act to regulate the organization and operation of assessment or co-operative fire insurance companies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Corporations—Number and Organization—Property to be owned. Twenty-five or more persons residing in any one or more adjoining towns or in any county, or in not exceeding ten adjoining counties, who collectively own property of the value of fifty thousand dollars or more may become a

corporation for the purpose of co-operative or assessment insurance against loss or damage of property by fire, wind or lightning, or the explosion of natural or artificial gas, by making and acknowledging a certificate setting forth their intention to form such a corporation, the county or counties, town or towns in which it intends to do business, its corporate name, and the place where its principal office is to be located. Every person insured in such a corporation who shall sign an application for insurance as required by the certificate of incorporation or the by-laws of the corporation shall thereby become a member thereof: Provided, however, that no moneys shall be collected by any person in behalf of such corporation until two of the members or organizers of such association or corporation shall have given joint bond to the Insurance Commissioner of Kentucky in the sum of ten thousand dollars; which bond shall guarantee that all moneys so collected shall be used as directed by law, and the affairs of said association or corporation be conducted according to law. Said bond shall be held by the Insurance Commissioner for the benefit of the members of such association or corporation until such time as said association shall have become legally incorporated and the affairs of said corporation are examined by an expert accountant, appointed by the Insurance Commissioner of Kentucky, and its affairs found to be in due and regular form, and immediately thereafter such bond shall be cancelled.

§ 2. Directors—Number and Powers—Term of Office. Every such corporation, if a town corporation, shall have not less than five directors; and if a county or county and town corporation, not less than eleven, to be chosen from the members of the corporation, who shall manage its affairs, and shall hold office for one year, or such longer term, not exceeding four years, as the by-laws of the corporation may prescribe, and until others are elected and qualified. They may be de-

vided into classes, and a portion only elected each year. They shall choose by ballot, a president and secretary, and such other officers as the by-laws shall prescribe, who shall hold their offices for not less than one nor more than four years, or as may be prescribed in the by-laws. The board of directors shall exercise the corporate powers, and transact the business of the corporation in accordance with its by-laws. The by-laws shall prescribe the number of directors to constitute a quorum, and may provide for an executive committee for such purposes as may be necessary, and shall require the officers to give bond, with good security, in such amounts as the nature of their duties and powers may render proper. The board of directors may, by resolution duly passed at any regular meeting, remove the office of the corporation to any other town within the county or counties where it is organized, if a country corporation; to any other town in which it is authorized to make insurance, if a town corporation. Such removal shall not be made until the expiration of five days after the passage of such resolution and the filing of a copy of the same in the office of the Insurance Commissioner.

§ 3. Business—When May be Commenced—Duty of Commissioner. Upon filing in the office of the Insurance Commissioner the articles of incorporation required, together with a sworn statement by three of said corporators that bona fide agreements have been entered into for the insurance of property of an amount not less than one hundred thousand dollars within the territory in which it proposes to do business, the same shall be referred to and examined by the Attorney General, and if found by him to be comformable to the requirements of this law, and not inconsistent with the laws of this State, he shall certify accordingly, and return same, with his certificate of such conformity, to said commissioner, who shall cause the said articles, with the certificate of the Attorney General, to be recorded in a book kept for that purpose, and

shall deliver to such corporation a certified copy of the papers as filed and recorded in his office, and of the certificate of the Attorney General, together with the license of said commissioner to such corporation to engage in the business proposed in said declaration. Upon such certified copy and license being filed in the office of the clerk of the county where the principal office of the corporation is to be located, the said corporators, and those that may thereafter become associated with them, and their successors, shall constitute a body-politic and corporate, and be lawfully entitled to begin its business.

§ 4. Books to be Opened for Inspection—What they Shall Show. The directors of every such corporation shall procure proper books in which the secretary shall keep a perfect record of all transactions of the corporation, and of the board of directors, which shall show at all times fully and truly the condition, affairs and business of the corporation, and which shall be open for the inspection of every member of the corporation on any day from 9 a. m. until 4 p. m., Sundays and legal holidays excepted.

§ 5. Policies—How to be Issued—Limit of Risk. The directors of every such corporation shall cause to be issued policies of insurance signed by their president and secretary, agreeing in the name of the corporation to pay losses or damages, not exceeding the amount insured, caused by fire, or wind or lightning, or the explosion of natural or artificial gas, as provided by and during the time named in the policy. No such corporation having less than two million dollars insurance in force shall insure any one risk for a greater sum than three thousand dollars; and no such corporation having more than two million dollars insurance in force and less than five million dollars insurance in force shall insure any one risk for more than five thousand dollars; and no such corporation having more than five million dollars insurance in force

and less than twelve million dollars insurance in force shall insure any one risk for more than six thousand dollars; and no such corporation having more than twelve million dollars insurance in force shall insure any one risk for a sum in excess of five cents for each one hundred dollars insurance it has in force; provided, however, that such corporations may insure for greater sums any one risk where such corporation is fully protected in the amounts in excess of that set out above by re-insurance, as provided by law. Requirements as to the separation of one risk from another, insured in such corporations shall be left to the discretion of the officers of such corporations. Every policy issued shall have attached thereto a printed copy of the by-laws of the corporation.

§ 6. Insured—Form of Undertaking by—Notice of Loss —Adjustment. Every person insured in and by any such corporation shall give his undertaking in such form as the corporation may prescribe, which form shall be uniform between and by all the insured, to pay his pro rata share of all losses or damages sustained by any member thereof, from any cause specified in the policy of the corporation. He shall also pay such reasonable sums for expenses as the by-laws may require. Every policyholder sustaining loss or damage, from any cause specified in the policy, shall notify the president or secretary of the corporation within sixty days after such loss or damage, and the proper officers of the corporation shall at once proceed to ascertain and adjust such loss or damage in the manner provided for by the charter and by-laws of the corporation and the provisions of this act.

§ 7. Classification of Property. Every such corporation may classify the property or buildings insured therein, either at the time of insurance, or at any other time, in such manner as may be provided for in its by-laws. All such classification shall be made uniform as between all members of the corporation.

§ 8. May Borrow Money. Any such corporation may borrow money when necessary for the proper conduct of its business.

§ 9. Membership Fees or Policy Fees and Assessments —Collection of. Any such corporation may collect such membership fees or policy fees as provided for in its by-laws, and any portion of such fees as shall not be expended for agents' commissions and expenses of writing the insurance shall be placed in the reserve fund of the company. The directors or executive committee of such corporations may declare, levy and issue assessments in such amounts and at such times as in their judgment is for the best interests of the corporation. When the reserve fund of any such corporation shall equal one per cent. of insurance in force, then no assessment shall be made for a greater sum than the amount of losses and expenses sustained and accrued since the last previous assessment was issued by such corporation. All assessments shall be made pro rata upon all property at such time insured, according to its classification. If at any time the total liabilities of any such corporation shall exceed its actual cash assets to an amount equal to fifty cents for each one hundred dollars insurance held by such corporation, then it shall be the duty of the secretary to notify the officer of the corporation whose duty it is to call a meeting of the directors or executive committee, and such officer shall immediately call the directors or executive committee in session, and the directors or executive committee shall within thirty days declare, levy and issue an assessment sufficient to pay all the liabilities of such corporation that are in excess of its actual cash assets. Failure of the secretary to give such notice, or failure of the proper officer to call such a meeting of the directors or executive committee, or failure of the directors or executive committee to declare, levy and issue such an assessment shall be deemed a misdemeanor, and any of such officers or direc-

tors as fail to fully comply with the above provisions shall be guilty of a misdemeanor, and each of such officers or directors so guilty shall be fined not less than fifty dollars and not more than one thousand dollars for each offense; each thirty days that such actions are delayed shall be deemed a separate offense.

§ 10. Reserve Fund—Uses and Distribution. All portions of membership fees and policy fees and assessments not necessarily used for expenses of writing insurance and payment of losses and expenses accrued at the time of collection of same, shall constitute a reserve fund for such corporations, which may be used from time to time in anticipation of collection of assessments, and such reserve fund shall be the property of the corporation; but in event of liquidation, voluntary or involuntary, the reserve fund shall be apportioned pro rata to the policyholders whose policies are in force at the time of liquidation, in proportion to the amount of premium paid on such policies from the date of their issual. It shall be lawful for the governing authorities of such corporations to invest the reserve fund or any portion of same in such securities as fire insurance companies are now permitted by law to invest in, and they may use such securities by pledge or sale for the purpose of raising money to more effectively carry out the purposes set out in this act.

§ 11. Assessments—Notice and Requests of. The secretary shall after any assessments have been made notify every member of the corporation, by written or printed notice, bearing the name of the secretary, stating the amount due the corporation from the members, the time when and to whom it shall be paid, and the use to be made of the money collected. Such time shall not be less than thirty days nor more than sixty days from the service of the notice, which notice may be served personally or by mail, and, if by mail, service shall be deemed complete when deposited in the post office at the

place where the principal office of the corporation is located, directed to each member at the last post office address given by the insured to the secretary of the corporation and postage prepaid.

§ 12. Assessment—Penalty for Failing to Pay—Action to Recover—Lien—Exclusion of Delinquent. An action may be brought by the corporation against any member thereof to recover all assessments which he may neglect or refuse to pay, made upon him under the provisions of this act, or the by-laws of the corporation. If the corporation is compelled to bring any such action in order to collect any such assessment, it may recover the amount so assessed, with fifty per cent. added thereto in addition to lawful interest, as a penalty for such neglect and refusal to pay within the time required. Any member who refuses to pay his assessment may, for such reason, or for any other reason satisfactory to the directors or executive committee, be excluded by a majority of the directors or executive committee, or as the by-laws may prescribe, from the corporation. Such member shall remain liable for payment of any assessment made prior to his exclusion, and for penalty above provided, in case action has or shall be brought against him therefor, within twelve months after the time it was due. The officers of every such corporation may proceed to collect any assessment, when due and unpaid for thirty days; and the refusal and neglect on their part to endeavor to collect such assessments, or to perform any of the duties imposed by this article, shall render them liable individually for the amount lost by any person who loses by their neglect or refusal, and an action may be maintained against them for such loss. If any member of the corporation shall be excluded therefrom, as herein provided, and the policy issued to him canceled, the secretary shall at once enter the same, with date thereof, upon the records of the corporation, and either inform in person or by mail notify the member of

such exclusion; and if by mail the postage shall be prepaid, and the notice be addressed to the office given in the application or policy, or the last address given the secretary by the member; and from and after such personal notice, or five days after mailing such notice as herein required, such policy shall be canceled, and all liability for such policy or policies shall cease; but the insured shall be entitled to receive from the corporation a repayment of an equitable portion of all unearned money, in excess of his legal contribution to the reserve fund, to which he has contributed, if any. Not more than twenty per cent. of assessments may be computed as the members' legal contribution to the reserve fund. The corporation shall have a lien upon the property insured to secure the payment of such assessments and calls as may be made under the contract of insurance.

§ 12. Limit of Liability of Members. If the whole amount of the deposit notes and cash belonging to any such corporation shall not be sufficient to pay the amount due at any one time to the members of such corporation on account of losses occasioned by fire, lightning or wind, the limit of liability of each member of the corporation, on account of any assessment that may be required to meet the deficit shall not exceed the folowing rates and amounts, to-wit: Upon each member of a corporation having less than five hundred thousand dollars insurance in force, ten dollars for each one hundred dollars of insurance he has in said corporation; upon each member of a corporation having over five hundred thousand dollars insurance in force and less than one million dollars insurance in force, five dollars for each one hundred dollars insurance he has in said corporation; upon each member of a corporation having over one million and less than two million insurance in force, three dollars for each one hundred dollars insurance he has in said corporation; and upon each member of a corporation having over two million

dollars of insurance in force, two dollars for each one hundred dollars of insurance he has in said corporation.

§ 14. Property—Kinds That May be Insured.—No corporation formed for the purpose specified in this act shall insure any buildings or property out of the limits of the territory comprised in its certificate of incorporation, except when a member lives on or near the boundary line, and has property both within and without the prescribed boundary, that without such boundary may also be insured.

§ 15. Directors—How and When Elected.—The directors of every corporation formed under this article shall be chosen by the members, or the insured, at the regular meeting of the corporation prescribed in the by-laws, which meeting if not otherwise provided for shall be held on the second Tuesday of January each year. At such meeting, each person insured shall have one vote, and those having two thousand dollars insurance two votes, and an additional vote for each additional one thousand dollars insurance, and shall be entitled to vote by proxy under such rules and regulations as may be prescribed by the by-laws, unless prohibited by such by-laws.

§ 16. Report of Condition to be Made to Commissioner.—The president and secretary of any such corporation, whether organized under this article or not, shall make a statement, under oath, to the Insurance Commissioner, showing the condition of the corporation on the thirty-first day of December in each year, which shall contain the amount and kind of property insured; the number of policies issued from the time of organization of the corporation up to the time of making the statement; the number insured during the year last past; the amount of the insurance accepted and the amount withdrawn, expired and canceled during the year; the whole amount of insurance in force on December thirty-first; the amount of

moneys received during the year by the corporation; the amount of disbursements, specifying the amount paid for fees, salaries, commissions, and all other matters of interest to the corporation or members, that the Insurance Commissioner may require on or before the first of February next following.

§ 17. Withdrawal and Admission of Members.—Any member of any such corporation may withdraw therefrom at any time, by giving thirty days' written notice to the secretary of same, and paying his share of all claims existing against the corporation, and surrendering his policy or policies to the company. Members may be admitted who reside or own property within territorial limits, upon the same terms and conditions as the original members, subject to the by-laws of the corporation; but non-residents owning property insured in such corporation shall not be eligible to office in the corporation.

§ 18. Business to be Confined to Terms of Law—Examination by Commissioner—Penalty.—No corporation shall be formed under this act for the purpose of transacting the business of insurance other than herein prescribed, and no such corporation shall insure against any loss except as specified in this act; and any officer violating this law shall be fined from ten dollars to five hundred dollars, according to the discretion of the jury, and shall be personally liable for any losses caused by any such violation, either to the corporation or any member. It shall be the duty of the Insurance Commissioner, upon application of ten members of such a corporation, or two directors, or the president or secretary, to examine into the management of such corporation, and the corporation shall pay all expenses of such examination, and should he find that any officer or any number of officers have been or are at the time violating this law, or the by-laws of the corporation, he shall proceed in like manner as with other

corporations who are guilty of like violations, and the officers shall be punished, if found guilty, as prescribed in this law, and shall be subject, in addition thereto, to prosecution and punishment for larceny or embezzlement as prescribed by the general laws of this State, if found guilty of any such crime.

§ 19. By-Laws—How Enacted.—Every such corporation may make and enforce such by-laws, not inconsistent with the laws of this State, nor those of the United States, by a two-thirds vote of the directors at any meeting; and any amendment may be made thereto, if presented to the president thirty days before any meeting.

§ 20. Old Company—This Law Applies to.—Any company doing business of insurance upon the principle prescribed in this article, and which was organized under the provisions of the general Statutes of this State, shall be subject to all the provisions of this act, and all members of such companies shall be subject to all the provisions of this act. Any company doing business upon said principle and organized by special charter granted by the State may become subject to all the provisions of this act by filing a certified statement with the Commissioner of Insurance of the State showing that a majority of its directors voted to subject said corporation to all the provisions of this act. All provisions in this act shall apply to all such companies where the provisions of this act do not conflict with some vested right of such companies granted to them by special charter from the State.

§ 21. Territory—Limit in Which Business May be Done. —Any such corporation doing an insurance business under the articles of incorporation issued to it by the Insurance Commissioner, may by a majority vote of the membership of the company, or by a majority vote of the board of directors of such corporation, at any meeting thereof where there is a legal quorum of directors in session, change the territory in

which it is incorporated to do business to as few or as many counties in Kentucky as they may see fit to include in their territory, and the change of territory shall be effective upon filing a proper certificate of such action by the members or board of directors with the Insurance Commissioner of Kentucky.

§ 22. Name of Corporation—Commissioner May Reject.—The Insurance Commissioner shall reject any name or title proposed by any such corporation at the time of filing certificate of organization that he thinks liable to be mistaken by the public for the names of other corporations, or in any way cause confusion.

§ 23. Fees to be Paid to Commissioner.—The Insurance Commissioner shall collect and pay into the State Treasury, to the credit of the Insurance Department, the following fees of corporations organized and doing business under this law: For filing articles of incorporation, ten dollars; for filing annual statement, ten dollars; for any change in territory of the company, and filing papers and keeping record of same, five dollars. No other expenses or charges than herein authorized under this act shall be brought against such corporations by the Insurance Department unless agreed to by the respective companies.

§ 24. Re-insurance Companies—How Organized.—Not less than three mutual and co-operative or assessment fire insurance companies of this State may organize a re-insurance company for the purpose of re-insuring their risks, by certifying to the Insurance Commissioner of the State their intention of organizing such re-insurance company, and by filing with the Insurance Commissioner certificates properly acknowledged showing the vote of the directors of such companies authorizing said companies to become members of such re-insurance company. The name of such re-insurance

company shall be contained in the certificate to the Insurance Commissioner and shall be approved by him. Such re-insurance company shall be and become a distinct corporation and shall issue to its member companies, only, policies of re-insurance on their risks, and shall issue no policies of insurance except to and through the companies composing its membership.

§ 25. Re-insurance Companies—How Operated.—Such re-insurance companies may issue policies of re-insurance to its member companies upon such terms and at such rates as may be provided for by its by-laws. Such re-insurance companies shall have not less than five directors, and one director shall be chosen from the officers of each member company.

§ 26. Liability of Member Companies—Limit of Insurance to be Taken on One Risk.—The member companies shall at all times be liable for the indebtedness of such re-insurance company, if its losses and expenses should at any time exceed its income and cash assets; the proportion of such liability shall be fixed by the by-laws of such re-insurance company. Such re-insurance company shall not issue policies on one risk for a greater amount than a sum equal to three cents for each one hundred dollars insurance in force in its combined member companies.

§ 27. Entrance and Withdrawal of Member Companies.—Any mutual or co-operative fire insurance company organized and operated under the laws of Kentucky may, with the consent of the directors of the re-insurance company, become a member thereof by filing with the Insurance Commissioner a certificate of its purpose to become a member of such company and a certificate showing the vote of its directors authorizing its becoming a member of such re-insurance company. Any member company may, by paying its proportion

of the liabilities of the re-insurance company, then existing, if any, withdraw its membership from such re-insurance company, and such member company shall certify to the Insurance Commissioner of Kentucky its intention to so withdraw its membership, and shall give written notice to the secretary of such re-insurance company of its intention to withdraw thirty days in advance. Upon withdrawal of any member company the re-insurance company shall at once cancel all policies of insurance held by and through the company so withdrawing.

§ 28. Repealing Clause.—Subdivision 5, entitled "Assessment or Co-operative Fire Insurance," of Chapter 32, Article IV., Kentucky Statutes; Carroll's 1915 Edition (which sub-division consists of Sections 702 to 722 inclusive), is hereby repealed.

Mr. Hutchcraft offered the following amendment to said bill, viz.:

Amend said House Bill No. 110 by adding the following section:

"The provisions of any other act relating to insurance or insurance companies passed at the present session of the General Assembly shall not apply to co-operative or assessment fire insurance companies organized under the laws of this State."

Said amendment was agreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	J. M. Howell	A. B. Pieratt
C. H. Bays	Chas. L. Hunter	W. A. Price
Frank J. Brown	R.B.Hutchcraft,Jr.	Harry P. Purnell
W. H. Brown	J. M. Johnson	John T. Roach
E. Bullock	T. R. Jones	Lewis Ryans
Henry A. Cannon	W. H. Jones	L. M. Smith
Glover H. Cary	H. Clay Kauffman	E. D. Smith
A. S. Cooper	Wm. J. Kuh	Claude B. Smith
S. B. Coleman	W. T. Lasley	John W. Snider
R. T. Crowe	Dr. J. E. Lilly	Adam Spahn
H. C. Cummins	Dr. C. W. Mathers	Ed. D. Stone
S. C. Dobbs	Jacob Metzger	R. C. Tartar
W. E. Dowling	Claude D. Minor	Robt. R. Treadway
William Duffy	S. Montgomery	D. B. Tyra
J. R. Durham	G. B. Moores	J. Wood Vance
J. M. Elliston	B. F. McAtee	J. W. Wall
T. T. Gardner	E. B. McGlone	John S. Webb
W. G. Gooch	W. J. McMurray	Frank M. White
Frank C. Greene	C. B. Nichols	J. D. Wills
C. H. Grimes	S. Mazyck O'Brien	M. O. Wilson
W. C. G. Hobbs	A. J. Oliver	Louis E. Yewell
A. B. Holland	William A. Perry	E. G. Young
David J. Howard	Geo. L. Pickett	—68

Resolved that the title thereof be as aforesaid.

Mr. Nichols moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill entitled:

H. B. 104. An act to regulate and control fraternal benefit societies.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (Fraternal Benefit Societies Defined.) Any corporation, society, order or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with Section 5 hereof, is hereby declared to be a fraternal benefit society.

§ 2. (Lodge System Defined). Any society having a supreme governing or legislative body and subordinate lodge or branches whatever name known, into which members shall be elected, initiated and admitted in accordance with its constitution, laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such society to hold regular or stated meetings at least once in each month shall be deemed to be operating on the lodge system.

§ 3. (Representative Form of Government Defined.) Any such society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected, directly or indirectly, by the members, to-

gether with such other members as may be prescribed by its constitution and laws; provided, that the elective members shall constitute a majority in number and have not less than two-thirds of the votes, nor less than the votes required to amend its constitution and laws; and provided, further, that the meetings of the supreme or governing body and the election of officers, representatives or delegates shall be held as often as once in four years. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy.

§ 4. (Exemptions). Except as herein provided, such societies shall be governed by this act and shall be exempt from all provisions of the insurance laws of this State, not only in governmental relations with the State, but for every other purpose, and no law hereafter enacted shall apply to them unless they be expressly designated therein.

§ 5. (Benefits). Sub-section 1. Every society transacting business under this act shall provide for the payment of death benefits, and may provide for payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age; provided, the period of life at which the payment of benefits for disability on account of old age shall commence, shall not be under seventy years, and may provide for monuments or tombstones to the memory of its deceased members and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all or such portion of the face value of his certificate as the laws of the society may provide; provided, that nothing in this act contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole life which are payable upon the death or disability of the member occurring within the term for which the benefit certificate may be issued. Such society shall, upon writ-

ten application of the member, have the power to accept a part of the periodical contributions in cash, and charge the remainder, not exceeding one-half of the periodical contribution against the certificate with interest payable or compounded annually at a rate not more than four per cent. per annum; provided, that this privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contributions and to contracts affected by such readjustment.

Sub-section 2. Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve not lower than the usual reserve computed by the American Experience Table and four per cent. interest may grant to its members, extended and paid-up protection or such withdrawal equities as its constitution and laws may provide; provided, that such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

§ 6. (Beneficiaries). The payment of death benefits shall be confined to husband, wife, relative by blood to the fourth degree, father-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-children by legal adoption, or to a person or persons dependent upon the member; provided, that if after the issuance of the original certificate the member shall become dependent upon an incorporated charitable institution, he shall have the privilege, with the consent of the society, to make such institution his beneficiary. Within the above restrictions each member shall have the right to designate his beneficiary, and from time to time, have the same changed in accordance with the laws, rules or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member;

provided, that any society may, by its laws, limit the scope of beneficiaries within the above classes.

§ 7. (Qualifications for Membership.) Any society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified physician and whose examination has been supervised and approved in accordance with the laws of the society; provided, that any person who shall apply for a certificate providing for disability benefits or funeral benefits not exceeding three hundred dollars, need not be required to pass a medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

§ 8. (Certificate). Every certificate issued by any such society shall specify the amount of benefit provided thereby, and shall provide that the certificate, the charter or articles of incorporation, or if a voluntary association, the articles of association, the constitution and laws of the society and the application for membership and medical examination, signed by the applicant, and all amendments to each thereof, shall constitute the agreement between the society and the member, and copies of the same certified by the secretary of the society, or corresponding officer, shall be received in evidence of the terms and conditions thereof and any changes, additions or amendments to said charter or articles of incorporation, or articles of association, if a voluntary association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate shall bind the member and his beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

§ 9. (Funds.) Sub-section 1. Any society may create,

maintain, invest, disburse and apply an emergency, surplus or other similar fund in accordance with its laws. Unless otherwise provided in the contract, such funds shall be held, invested, and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in Subsection 2 of Section 5 of this act. The fund from which benefits shall be paid and the funds from which the expenses of the society shall be defrayed, shall be derived from periodical or other payments by the members of the society and accretions of said funds; provided, that no society, domestic or foreign, shall hereafter be incorporated or admitted to transact business in this State, which does not provide for stated periodical contributions sufficient to provide for meeting the mortuary obligations contracted, when valued upon the basis of the National Fraternal Congress table of mortality adopted by the National Fraternal Congress, August 23, 1899, or any higher standard, with interest assumption not more than four per cent. per annum, nor write or accept members for temporary or permanent disability benefits except upon tables based upon reliable experience, with an interest assumption not higher than four per cent. per annum.

Sub-section 2. Deferred payments or installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liability shall be the present value of such future payments or installments upon the rate of interest and mortality assumed by the society for valuation, and every society shall maintain a fund sufficient to meet such liability regardless of proposed future collections to meet any such liabilities.

§ 10. (Investments.) Every society shall invest its funds only in securities permitted by the laws of this State,

for the investment of the assets of life insurance companies; provided, that any foreign society permitted or seeking to do business in this State, which invests its funds in accordance with the laws of the State in which it is incorporated, shall be held to meet the requirements of this act for the investment of funds.

§ 11. (Distribution of Funds.) Every provision of the laws of the society for payments by members of such society in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions of either or any of said funds shall be used for expenses.

§ 12. (Organization.) Seven or more persons, citizens of the United States, and a majority of whom are citizens of this State, who desire to form a fraternal benefit society, as defined by this act, may make and sign (giving their addresses) and acknowledge before some officer competent to take acknowledgment of deeds, articles of incorporation, in which shall be stated:

First. The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company already transacting business in this State as to mislead the public or to lead to confusion.

Second. The purpose for which it is formed—which shall not include more liberal powers than are granted by this act, provided that any lawful, social, intellectual, educational, charitable, benevolent, moral or religious advantages may be set forth among the purposes of the society—and the mode in which its corporate powers are to be exercised.

Third. The names, residences and official titles of all

the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall not be held later than one year from the date of the issuance of the permanent certificate.

Such articles of incorporation and duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed forms of benefit certificates, applications therefor, and circulars to be issued by such society, and a bond in the sum of twenty-five hundred dollars, with sureties approved by the Insurance Commissioner, conditioned upon the return of the advanced payments, as provided in this section, to applicants, if the organization is not completed within one year, shall be filed with the Insurance Commissioner, who may require such further information as he deems necessary, and if the purposes of the society conform to the requirements of this act, and all provisions of law have been complied with, the Insurance Commissioner shall so certify and retain and record (or file) the articles of incorporation, and furnish the incorporators a preliminary certificate authorizing said society to solicit members as hereinafter provided.

Upon receipt of said certificate from the Insurance Commissioner, said society may solicit members for the purpose of completing its organization and shall collect from each applicant the amount of not less than one regular monthly payment, in accordance with its tables of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. But no such society shall incur any liability other than for such advanced payments, nor issue any benefit certificate nor pay nor allow, or offer or promise to pay or allow, to any person any death

or disability benefit until actual bona fide applications for death benefit certificates have been secured upon at least two hundred lives for at least one thousand dollars each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such society, nor until there shall be established three subordinate lodges or branches into which said two hundred applicants have been initiated, nor until there has been submitted to the Insurance Commissioner, under oath of the president and secretary, or corresponding officers of such society, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of stated periodical contributions which shall be sufficient to provide for meeting the mortuary obligation, contracted, when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress, August 23, 1899, or any higher standard at the option of the society, and for disability benefits by tables based upon reliable experience, and for combined death and permanent total disability benefits by tables based upon reliable experience, with an interest assumption not higher than four per cent. per annum, nor until it shall be shown to the Insurance Commissioner by the sworn statement of the treasurer or corresponding officer of such society, that at least two hundred applicants have each paid in cash at least one regular monthly payment as herein provided per one thousand dollars of indemnity to be effected, which payments in the aggregate shall amount to at least one thousand dollars, all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses.

Said advanced payments shall, during the period of organization, be held in trust, and if the organization is not completed within one year as hereinafter provided, returned to said applicants.

The Insurance Commissioner may make such examination and require such further information as he deems advisable, and upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to such society a certificate to that effect. Such certificate shall be prima facie evidence of the existence of such society at the date of such certificate. The Insurance Commissioner shall cause a record of such certificate to be made and a certified copy of such record may be given in evidence with like effect as the original certificate.

No preliminary certificate granted under the provisions of this section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the Insurance Commissioner, upon cause shown, unless the two hundred applicants herein required have been secured and the organization has been completed as herein provided, and the articles of incorporation and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such society shall have completed its organization and commenced business as herein provided. When any domestic society shall have discontinued business for the period of one year, or has less than 200 members, its charter shall become null and void.

Every such society shall have the power to make a constitution and by-laws for the government of the society, the admission of its members and the management of its affairs and the fixing and readjustment of the rates of contribution of its members, from time to time; and it shall have the power

to change, alter, add to or amend such constitution and by-laws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

§ 13. (Powers Retained—Reincorporation—Amendments.) Any society now engaged in transacting business in this State may exercise, after the passage of this act, all of the rights conferred thereby, and all of the rights, powers and privileges now exercised or possessed by it under its charter or articles of incorporation not inconsistent with this act, if incorporated; or, if it be a voluntary association, it may incorporate hereunder. But no society already organized shall be required to reincorporate hereunder, and any such society may amend its articles of incorporation from time to time in the manner provided therein or in its constitution and laws and all such amendments shall be filed with the Insurance Commissioner and shall become operative upon such filing, unless a later time be provided in such amendments or in its articles of incorporation, constitution or laws.

§ 14. (Mergers and Transfers.) No domestic society shall merge with or accept the transfer of the membership or funds of any other society unless such merger or transfer is evidenced by a contract in writing, setting out in full the terms and conditions of such merger or transfer, and filed with the Insurance Commissioner of this State, together with a sworn statement of the financial condition of each of said societies, by its president and secretary, or corresponding officer, and a certificate of such officers, duly verified under oath of said officers of each of the contracting societies, that such merger or transfer has been approved by a vote of two-thirds of the members of the supreme legislative or governing body of each of said societies.

Upon the submission of said contract, financial state-

ments and certificates, the Insurance Commissioner shall examine the same, and if he shall find such financial statements to be correct and the said contract to be in conformity with the provisions of this section, and that such merger or transfer is just and equitable to the members of each of said societies, he shall approve said merger or transfer, issue his certificate to that effect and thereupon the said contract of merger or transfer shall be of full force and effect.

In case such contract is not approved, the fact of its submission and its contents shall not be disclosed by the Insurance Commissioner.

§ 15. (Annual License.) Societies which are now authorized to transact business in this State may continue such business until the first day of July next succeeding the passage of this act, and the authority of such societies may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding July; provided, however, the license shall continue in full force and effect until the new license be issued or specifically refused. For each such license or renewal the society shall pay the Insurance Commissioner twenty dollars. A duly certified copy or duplicate of such license shall be prima facie evidence that the license is a fraternal benefit society within the meaning of this act.

§ 16. (Admission of Foreign Society). No foreign society shall transact any business herein without a license from the Insurance Commissioner. Any such society shall be entitled to a license to transact business within this State upon filing with the Insurance Commissioner a duly certified copy of its charter or articles of association; a copy of its constitution and laws, certified by its secretary or corresponding officer, a power of attorney, to the Insurance Commissioner as hereinafter provided; a statement of its business under oath of its president and secretary, or corresponding

officers, in the form required by the Insurance Commissioner, duly verified by an examination made by the supervising insurance official of its home State or other State satisfactory to the Insurance Commissioner of this State; a certificate from the proper official in its home State, province or country that the society is legally organized; a copy of its contract, which must show that benefits are provided for by periodical, or other payments by persons holding similar contracts, and upon furnishing the Insurance Commissioner such other information as he may deem necessary to a proper exhibit of its business and plan of working, and upon showing that its assets are invested in accordance with the laws of the State, territory, district, province or country where it is organized, he shall issue a license to such society to do business in this State until the first day of the succeeding July; provided, however, that license shall continue in full force and effect until the new license be issued or specifically refused. Any foreign society desiring admission to this State shall have the qualifications required of domestic societies organized under this act and have its assets invested as required by the laws of the State, territory, district, country or province where it is organized. For each such license or renewal the society shall pay the Insurance Commissioner twenty ($20.00) dollars. When the Insurance Commissioner refuses to license any society, or revokes its authority to do business in this State, he shall reduce his ruling, order or decision to writing, and file the same in his office and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the society, upon request, and the action of the Insurance Commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction within the State; provided, however, that nothing contained in this or the preceding section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this

State during the time such society was legally authorized to transact business herein.

§ 17. (Power of Attorney and Service of Process.) Every society, whether domestic or foreign, now transacting business in this State, shall, within thirty days after the passage of this act, and every such society hereafter applying for admission, shall before being licensed, appoint in writing the Insurance Commissioner and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society and that the authority shall continue in force so long as any liability remains outstanding in this State.

Copies of such appointment, certified by said Insurance Commissioner, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service must be made in duplicate upon the Insurance Commissioner or in his absence upon the person in charge of his office, and shall be deemed sufficient service upon such society; and if any society shall, without the consent of the other party to any suit or proceeding brought by or against it in any court of this State, remove said suit or proceeding to any Federal Court, or shall institute any suit or proceeding against any citizen of this State in any Federal Court, it shall be the duty of the Commissioner to forthwith revoke all authority to such society and its agents to do business in this State, and to publish such revocation in some newspaper of general circulation published in this State; provided, however, that no service shall be valid or binding against any such society when it is required thereunder to file its answer, pleading or defense in less than twenty days from the date of mailing the copy

of such service to such society. When legal process against any such society is served upon said Insurance Commissioner he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its secretary or corresponding officer.

§ 18. (Place of Meeting—Location of Office.) Any domestic society may provide that the meetings of its legislative or governing body may be held in any State, district, province or territory wherein such society has subordinate branches, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this State; but its principal office shall be located in this State.

§ 19. (No Personal Liability.) Officers and members of the supreme, grand or any subordinate body of any such incorporated society shall not be individually liable for the payment of any disability or death benefit provided for in the laws and agreements of such society, but the same shall be payable only out of the funds of such society and in the manner provided by its laws.

§ 20. (Waiver of the Provisions of the Laws.) The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members shall have the power or authority to waive any of the provisions of the laws and constitution of the society, and the same shall be binding on the society and each and every member thereof on all the beneficiaries of members.

§ 21. (Benefits not Attachable.) No money or other benefit, charity or relief or aid to be paid, provided or rendered by any such society shall be liable to attachment, garnishment or other process, or be seized, taken, appropriated or applied by any legal or equitable process or operation of

law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment.

§ 22. (Constitution and Laws—Amendments.) Every society transacting business under this act shall file with the Insurance Commissioner a duly certified copy of all amendments of or addition to its constitution and laws within ninety days after the enactment of the same. Printed copies of the constitution and laws as amended, changed or added to, certified by the secretary or corresponding officer of the society shall be prima facie evidence of the legal adoption thereof.

§ 23. (Annual Reports.) Every society transacting business in this State shall annually, on or before the first day of March, file with the Insurance Commissioner, in such form as he may require, a statement under oath of its president and secretary or corresponding officers, of its condition and standing on the thirty-first day of December last preceding, and of its transactions for the year ending on that date, and also shall furnish such other information as the Insurance Commissioner shall deem necessary to a proper exhibit of its business and plan of working. The Insurance Commissioner may at other times require any further statement he may deem necessary to be made relating to such society.

In addition to the annual report herein required, each society shall annually report to the Insurance Commissioner a valuation of its certificates in force on December 31st, last preceding, excluding those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses, provided the first report of valuation shall be made as of December 31, 1914. Such report of valuation shall show, as contingent liabilities, the present mid-year value of the promised benefits provided in the constitution

and laws of such society under certificates then subject to valuation; and as contingent assets the present mid-year value of the future net contributions provided in the constitution and laws as the same are in practice actually collected. At the option of any society, in lieu of the above the valuation may show the net value of the certificates subject to valuation hereinbefore provided and said net value, when computed in case of monthly contributions, may be the means of the terminal values for the end of the preceding and of the current insurance years.

Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home State of the society, and shall be filed with the Insurance Commissioner within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress, August 23, 1899, or, at the option of the society, any higher table, or, at its option, it may use a table based upon the society's own experience of at least twenty years, and covering not less than one hundred thousand lives with interest assumption not more than four per centum per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefits and expense funds and the valuation of all other business of the society; provided that where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience and in such a case a separation of the funds shall not be required.

The valuation herein provided shall not be considered or regarded as a test of the financial solvency of the society, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities.

Beginning with the year 1915 a report of such valuation and explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June 1st of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full and to provide for the creation and maintenance of the funds required by its laws additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per centum per annum.

§ 23a. (Provisions to Insure Future Security.) If the valuation of the certificates, as hereinbefore provided, on December 31, 1917, shall show that the present value of future net contributions, together with the admitted assets, is less than the present value of the promised benefits and accrued liabilities, such society shall thereafter maintain said financial condition at each succeeding triennial valuation in respect of the degree of deficiency as shown in the valuation as of December 31, 1917. If at any succeeding triennial valuation such society does not show at least the same condition, the

Commissioner shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has failed to maintain the condition required herein, the Commissioner may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society, in accordance with the provisions of Section 24 of this act, or in the case of a foreign society, its license may be cancelled in the manner provided for in this act.

Any such society, shown by any triennial valuation, subsequent to December 31, 1917, not to have maintained the condition herein required, shall, within two years thereafter, make such improvement as to show a percentage of deficiency not greater than as of December 31, 1917, or thereafter, as to all new members admitted, be subject, so far as stated rates of contribution are concerned, to the provisions of Section 12 of this act, applicable in the organization of new societies; provided that the net mortuary or beneficiary contributions and funds of such new members be kept separate and apart from the other funds of the society. If such required improvement is not shown by the succeeding triennial valuation, then the said new members may be placed in a separate class and their certificates valued as an independent society in respect of contributions and funds.

§ 23b. In lieu of the foreging requirements, any society may accept in its laws the following provisions, and may value its certificates on a basis, herein designated "accumulation basis," by crediting each member with the net amount contributed for each year and with interest at approximately the net rate earned, and by charging him with his share of the losses for each year herein designated "cost of insurance" and carrying the balance, if any, to his credit. The charge for the cost of insurance may be according to the actual experience of the society applied to a table of mortality

recognized by the law of this State, and shall take into consideration the amount at risk during each year, which shall be the amount payable at death less the credit to the member. Except as specifically provided in its articles or laws or contracts no charge shall be carried forward from the first valuation hereunder against any member for any past share of losses exceeding the contributions and credit. If, after the first valuation, any member's share of losses for any year exceeds his credit, including the contribution for the year, the contribution shall be increased to cover his share of the losses, and if the credit at the time any benefit becomes payable during the lifetime of the member, including any available funds, does not equal such benefit, the contributions to be made by him or on his behalf shall be increased by the difference. Any such excess share of losses chargeable to any member may be paid out of a fund or contribution especially created or required for such purpose.

Any member may transfer to any plan adopted by the society with net rates on which tabular reserves are maintained and on such transfer shall be entitled to make such application of his credit as provided in the laws of the society.

Certificates issued, rerated or readjusted, on a basis providing for adequate reserves to mature such certificates upon assumptions for mortality and interest recognized by the law of this State, may be valued on such basis, herein designated the "tabular basis;" provided that if on the first valuation under this section, a deficiency in reserve shall be shown for any certificate, the same shall be valued on the accumulation basis.

Whenever in any society having members upon the tabular basis and upon the accumulation basis, the total of all cost of insurance provided for any year shall be insufficient

to meet the actual death and disability losses for the year, the deficiency shall be met for the year from the available funds after setting aside all credits in the reserve; or from increased contributions or by an increase in the number of assessments applied to the society as a whole or to classes of members as may be specified in its laws. Savings from a lower amount of death losses may be returned in like manner as may be specified in its laws. If the laws of the society so provide, the assets, representing the reserves of any separate class of members, may be carried separately for such class as if in an independent society, and required reserve accumulation of such class to set apart shall not thereafter be mingled with the assets of other classes of the society.

A table showing the rates being paid by the credits to individual members at each age and year of entry, and showing opposite each credit the tabular rate and the tabular reserve required, or at the option of the society the required reserve on a level rate equivalent to that being paid, according to assumptions for mortality and interest recognized by the laws of this State and adopted by the society, and, in either case, including any benefit payable at a specified age or on account of old age disability, shall be filed by the society with each annual report and also be furnished to each member before July 1st of each year.

In lieu of the aforesaid statement there may be furnished to each member within the same time a statement giving the data aforesaid for such member. No table or statement need be made or furnished when the reserves are maintained on the tabular basis.

For this purpose individual bookkeeping accounts for each member shall not be required and all calculations may be made by actuarial methods.

Nothing herein contained shall prevent the maintenance of such surplus over and above the credits on the accumulation basis and the reserves on the tabular basis as any society may provide by or pursuant to its laws; not to be construed as giving to the individual member any right or claim to any such reserve or credit other than in manner as expressed in the contract and its laws; nor as making any such reserve or credits a liability in determining the legal solvency of the society.

§ 24. (Examination of Domestic Societies.) The Insurance Commissioner or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society. He may employ assistants for the purpose of such examination and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers, agents and employes or other person in relation to the affairs, transactions and condition of the society.

The expense of such examination shall be paid by the society examined, upon statement furnished by the Insurance Commissioner, and the examination shall be made at least once in three years.

Whenever after examination the Insurance Commissioner is satisfied that any domestic society has failed to comply with any provisions of this act, or is exceeding its power, or is not carrying out its contracts in good faith, or is transacting business fraudulently, or whenever any domestic society, after the existence of one year or more shall have a membership of less than 200 (or shall determine to discontinue business), the Insurance Commissioner may present the facts relating thereto to the Attorney General, who shall, if he deems the circumstances warrant, commence an action in quo war-

ranto in a court of competent jurisdiction, and such court shall thereupon notify the officers of such society of a hearing, and if it shall then appear that such society shall be closed, such society shall be enjoined from carrying on any further business and some person shall be appointed receiver of such society, and shall proceed at once to take possession of the books, papers, moneys and other assets of the society and shall forthwith, under the direction of the court, proceed to close the affairs of the society and to distribute its funds to those entitled thereto.

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it, on a date to be named in said notice, to show cause why such proceedings should not be commenced.

§ 25. (Application for Receiver, etc.) No application for injunction against or proceedings for the dissolution of or the appointment of a receiver for any such domestic society or branch thereof shall be entertained by any court in this State unless the same is made by the Attorney General.

§ 26. (Examination of Foreign Societies.) The Insurance Commissioner or any person whom he may appoint, may examine any foreign society transacting or applying for admission to transact business in the State. The said Commissioner may employ assistants, and he or any person he may appoint shall have free access to all the books, papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers, agents and employes and other persons in relation to the affairs, transactions and condition of the society. He may, in his discretion, accept in lieu of such examination the examination of the Insurance Department of the State, terri-

tory, district, province or country where such society is organized. All expenses incurred in making any such examination, including the expenses of the Commissioner or his deputy, and the expenses and compensation of his assistants employed therein, shall be paid by the society upon statement furnished to it by the Insurance Commissioner.

If any such society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto, the authority of such society to write new business in this State shall be suspended or license refused until satisfactory evidence is furnished the Insurance Commissioner relating to the condition and affairs of the society, and during such suspension the society shall not write new business in this State.

§ 27. (No Adverse Publication.) Pending, during or after an examination or investigation of any such society, either domestic or foreign, the Insurance Commissioner shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding affecting the status, standing or rights of any such society, until a copy thereof shall have been served upon such society, at its home office, nor until such society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding and to make such showing in connection therewith as it may desire.

§ 28. (Revocation of License.) When the Insurance Commissioner on investigation is satisfied that any foreign society transacting business under this act has exceeded its powers, or has failed to comply with any provisions of this act, or is conducting business fraudulently, or is not carrying out its contracts in good faith, he shall notify the society of his findings, and state in writing the grounds of his dissatisfaction and after reasonable notice require said society, on

a date named, to show cause why its license should not be revoked. If on the date named in said notice such objections have not been removed to the satisfaction of said Insurance Commissioner or the society does not present good and sufficient reasons why its authority to transact business in this State should not at that time be revoked, he may revoke the authority of the society to continue business in this State. All decisions and findings of the Insurance Commissioner made under the provisions of this section may be reviewed by proper proceedings in any court of competent jurisdiction as provided in Section 16 of this act.

§ 29. (Exemption of Certain Societies.) Nothing contained in this act shall be so construed as to affect or apply to grand or subordinate lodges of Masons, Odd Fellows, Knights of Pythias (exclusive of the insurance department of the supreme lodge Knights of Pythias), or to similar orders, societies or associations now doing business in this State which provided benefits exclusively through local or subordinate lodges, or to orders, societies or associations which limit their admission to membership to any one hazardous occupation, nor to an association of local lodges of a society now doing business in this State which provides death benefits not exceeding three hundred dollars in any one year to any one person, or both, nor to any contracts of reinsurance business on such plan in this State, nor to domestic societies which limit their membership to the employes of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent description, which do not provide for a death benefit of more than one hundred dollars, or for disability benefit of more than one hundred and fifty dollars to any one person in any one year. The Insurance Commissioner may whenever he deems proper make examination of any such society or organization (domestic or foreign) operating in this State to enable him to

determine whether such society or organization is exempt from the provisions of this act, and if found to not be so exempt the expenses of such examination shall be paid by the society or organization examined upon statement furnished by him.

Any fraternal benefit society, heretofore organized and incorporated and operating within the definition set forth in Sections 1, 2 and 3 of this act, providing for benefits in case of death or disability resulting solely from accident, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this act, and shall have all the privileges and shall be subject to all the provisions of this act except that the provisions of this act requiring medical examinations, valuations of benefit certificates, and that the certificates shall specify the amount of benefit, shall not apply to such society.

§ 30. (Taxation.) Every fraternal benefit society organized or licensed under this act is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every State, county, district, municipal and school tax other than taxes on real estate and office equipment.

§ 31. (Penalties). Any person, officer, member or examining physician of any society, authorized to do business under this act who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining money from any benefit in any society transacting business under this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the

discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the Statutes of this State in relation to the crime of perjury.

Any person who shall solicit membership for, or in any manner assist in procuring membership in any fraternal benefit society not licensed to do business in this State, or who shall solicit membership for, or in any manner assist in procuring membership in any such society not authorized as herein provided, to do business as herein defined in this State, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Any society, or any officer, agent or employe thereof neglecting or refusing to comply with, or violating any of the provisions of this act, the penalty for which neglect, refusal or violation is not specified in this section, shall be fined not exceeding two hundred dollars upon conviction thereof.

§ 32. All acts and parts of acts inconsistent with this act are hereby repealed.

The Committee on Insurance, Life and Accident offered the following amendment to said bill, viz.:

That said bill be amended as follows:

On page 2, Section 2, line 2, by striking out the words

"subordinate lodge" and inserting in lieu thereof the words "subordinate lodges;"

On page 3, Section 5, in line 18, by striking out the words "not more than four per cent." and inserting in lieu thereof the words "not lower than four per cent;"

On page 5, Section 9, line 7, by striking out the word "fund" and inserting in lieu thereof the word "funds;"

On page 14, Section 23, line 16, by striking out the date "December 31, 1914," and inserting in lieu thereof the date "December 31, 1916;"

On page 15, Section 23, line 48, by striking out the figures "1915" and inserting in lieu thereof the figures "1917;"

On page 17, Section 23b, line 26, after the word "adequate," at the end of the line, by inserting, or adding the words "rates with adequate," so that the said line, when so amended, will read, "Certificates issued, rerated or readjusted, on a basis providing for adequate rates with reserves."

Said amendments were agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. H. Bays	W. C. G. Hobbs	A. J. Oliver
Chas. D. Bratcher	A. B. Holland	William A. Perry
Frank J. Brown	David J. Howard	Geo. L. Pickett
W. H. Brown	J. M. Howell	A. B. Pieratt
E. Bullock	Chas. L. Hunter	W. A. Price
Henry A. Cannon	R.B.Hutchcraft,Jr.	Harry P. Purnell
Glover H. Cary	T. R. Jones	Lewis Ryans
A. S. Cooper	W. H. Jones	L. M. Smith
S. B. Coleman	H. Clay Kauffman	E. D. Smith
R. T. Crowe	Wm. J. Kuh	Claude B. Smith
James S. Cruse	W. T. Lasley	John W. Snider
H. C. Cummins	M. E. Lee	Adam Spahn
S. C. Dobbs	Dr. J. E. Lilly	Ed. D. Stone
W. E. Dowling	Dr. C. W. Mathers	R. C. Tartar
William Duffy	Jacob Metzger	Robt. R. Treadway
J. R. Durham	S. Montgomery	F. C. Trivette
J. M. Elliston	G. B. Moores	D. B. Tyra
L. L. Embrey	John T. Murphy	J. W. Wall
T. T. Gardner	B. F. McAtee	John S. Webb
Wm. Gearheart	E. B. McGlone	Frank M. White
W. G. Gooch	W. J. McMurray	J. D. Wills
Frank C. Greene	L. T. Neat	Louis E. Yewell
C. H. Grimes	C. B. Nichols	E. G. Young
W. B. Harvey	S. Mazyck O'Brien	—71

Resolved, that the title thereof be as aforesaid

Mr. Greene moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 382. An act to amend Section 10 of Article 17 of

Chapter 22, of an act of the General Assembly of Kentucky, approved March 15, 1906, entitled, "An act relating to revenue and taxation."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 10, of Article 17, of Chapter 22, of an act of the General Assembly of Kentucky, approved March 15, 1906, entitled, "An act relating to revenue and taxation," be amended, revised and re-enacted, so as to read as follows:

It shall be the duty of the Revenue Agent, State or county, and he shall have authority when directed by the Auditor, to institute suits, motions, or proceedings in the name of the Commonwealth against any delinquent officer or other person to recover any money which may be due the Commonwealth; or license taxes due the Commonwealth; or any inheritance tax due this Commonwealth; or any county school or district school taxes due any county or school district in this Commonwealth; (Provided, that the Auditor may appoint or designate a Special Revenue Agent for the purpose of recovering county school or district school taxes due as provided herein), and in all such suits, motions or proceedings in which a judgment is recovered, the party in default shall, in addition to the amount for which he is liable to the State, county or district, be adjudged to pay a penalty of twenty per centum on the amount due; and the revenue agent who prosecutes such action and recovers the amount due the Commonwealth, county or district, shall be entitled to receive for his services seventy-five per cent. of said twenty per centum penalty, and the remaining twenty-five per cent. of said twenty per centum penalty shall be paid into the back tax reserve fund. The penalties herein provided for shall not be in addition to the

penalties in actions in the name of the Commonwealth prosecuted by the county attorney or other attorneys for the Commonwealth. The money so adjudged due the Commonwealth, and penalties and costs, shall be paid to the State Treasurer, and he shall within thirty days, pay the seventy-five per centum of said penalty and costs to the officer entitled thereto.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. C. G. Hobbs	William A. Perry
Frank J. Brown	A. B. Holland	Geo. L. Pickett
W. H. Brown	David J. Howard	A. B. Pieratt
Henry A. Cannon	J. M. Howell	J. D. Pumphrey
Glover H. Cary	Chas. L. Hunter	Lewis Ryans
A. S. Cooper	R.B.Hutchcraft,Jr.	E. D. Smith
S. B. Coleman	T. R. Jones	Claude B. Smith
R. T. Crowe	W. H. Jones	John W. Snider
James S. Cruse	H. Clay Kauffman	Adam Spahn
S. C. Dobbs	Wm. J. Kuh	Ed. D. Stone
Jas. R. Dorman	W. T. Lasley	R. C. Tartar
Thomas A. Dover	Dr. J. E. Lilly	Robt. R. Treadway
W. E. Dowling	Dr. C. W. Mathers	F. C. Trivette
William Duffy	Claude D. Minor	D. B. Tyra
J. R. Durham	S. Montgomery	J. W. Wall
J. M. Elliston	G. B. Moores	John S. Webb
Wm. Gearheart	John T. Murphy	Louis E. Yewell
W. G. Gooch	B. F. McAtee	E. G. Young
Frank C. Greene	W. J. McMurray	
C. H. Grimes	C. B. Nichols	—58

Resolved, that the title thereof be as aforesaid.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 464. An act to provide for necessary clerical service for the State Library.

Said bill reads as follows:

Whereas, the growth of the work in the State Library and increased duties incident thereto, and the accounting system requiring detailed reports monthly, necessitates the employment of a bookkeeper, the work now being performed taking the time of the force which should be given to the library service proper; and whereas, no provision has been made for this work; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Librarian is hereby authorized to employ a bookkeeper at not exceeding seventy-five ($75.00) dollars per month, payable out of any money in the treasury not otherwise appropriated, as the salary of the Governor. The Auditor of Public Accounts is directed to draw his warrant upon the Treasurer on the last day of each month in favor of suck clerk for the aggregate sum of seventy-five ($75.00) dollars.

§ 2. The work herein provided for being immediately

necessary an emergency is declared and this act shall become in force on its adoption or approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Chas. D. Bratcher	W. G. Gooch	L. T. Neat
Frank J. Brown	Frank C. Greene	C. B. Nichols
W. H. Brown	C. H. Grimes	S. Mazyck O'Brien
E. Bullock	W. B. Harvey	A. J. Oliver
Henry A. Cannon	W. C. G. Hobbs	William A. Perry
Glover H. Cary	A. B. Holland	Geo. L. Pickett
A. S. Cooper	David J. Howard	W. A. Price
S. B. Coleman	J. M. Howell	J. D. Pumphrey
R. T. Crowe	Chas. L. Hunter	Lewis Ryans
James S. Cruse	R.B.Hutchcraft,Jr.	L. M. Smith
H. C. Cummins	T. R. Jones	E. D. Smith
S. C. Dobbs	W. H. Jones	John W. Snider
Jas. R. Dorman	W. T. Lasley	Adam Spahn
Thomas A. Dover	Dr. J. E. Lilly	R. C. Tartar
W. E. Dowling	Dr. C. W. Mathers	F. C. Trivette
William Duffy	Jacob Metzger	D. B. Tyra
J. R. Durham	Claude D. Minor	J. W. Wall
J. M. Elliston	S. Montgomery	John S. Webb
L. L. Embrey	John T. Murphy	M. O. Wilson
T. T. Gardner	B. F. McAtee	Louis E. Yewell
Wm. Gearheart	E. B. McGlone	E. G. Young

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Those who voted in the negative were—

C. H. Bays	M. E. Lee	Claude B. Smith
J. M. Johnson	A. B. Pieratt	Ed. D. Stone
H. Clay Kauffman	John T. Roach	J. D. Wills

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Resolved, that the title thereof be as aforesaid.

Mr. Crowe moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 411. An act to amend Section 490 of the Civil Code of Practice concerning the sale of real property and to authorize the confirmation of certain sales heretofore made.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 490 of the Civil Code of Practice be amended and re-enacted so as to read as follows:

A vested estate in real property jointly owned by two or more persons, or owned as set out in Sub-section 3 of this section, may be sold by order of a court of equity, in an action brought by either of them, though the plaintiff or defendant be of unsound mind or an infant.

1. If the share of each owner be worth less than one hundred dollars.

2. If the estate be in possession and the property can not be divided without materially impairing its value, or the value of the plaintiff's interest therein.

3. If the estate shall have passed by devise or descent to the widow and heir or heirs of a decedent, and the widow shall have a life right in a portion thereof, either as homestead or dower or by devise and the said property can not be divided without materially impairing its value, or the value of the plaintiff's interest therein.

If any real property held by a widow and heir of a deceased person as provided in Sub-section 3 of this section has heretofore been sold by decree of a court of equity and said sale has been confirmed and a deed made by orders of such court, and possession of said property has been taken under said sale and deed, the purchaser thereof or said widow or heir may file a petition in equity in the court in which said land was sold asking the confirmation of said sale, and making all other persons interested in said property parties thereto; and said court on the hearing thereof shall have the power to confirm said former sale, if it shall appear no party under disability was prejudiced thereby.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. B. Harvey	A. J. Oliver
C. H. Bays	W. C. G. Hobbs	Geo. L. Pickett
Chas. D. Bratcher	A. B. Holland	A. B. Pieratt
Frank J. Brown	David J. Howard	W. A. Price
W. H. Brown	J. M. Howell	J. D. Pumphrey
E. Bullock	Chas. L. Hunter	Harry P. Purnell
Henry A. Cannon	J. M. Johnson	John T. Roach
Glover H. Cary	T. R. Jones	L. M. Smith
S. B. Coleman	W. H. Jones	E. D. Smith
W. P. Cropper	H. Clay Kauffman	Claude B. Smith
R. T. Crowe	M. E. Lee	John W. Snider
James S. Cruse	Dr. J. E. Lilly	Adam Spahn
H. C. Cummins	Dr. C. W. Mathers	Ed. D. Stone
S. C. Dobbs	Jacob Metzger	R. C. Tartar
Jas. R. Dorman	Claude D. Minor	Robt. R. Treadway
William Duffy	S. Montgomery	F. C. Trivette
J. R. Durham	G. B. Moores	D. B. Tyra
J. M. Elliston	John T. Murphy	J. W. Wall
L. L. Embrey	B. F. McAtee	John S. Webb
T. T. Gardner	E. B. McGlone	Frank M. White
Wm. Gearheart	W. J. McMurray	J. D. Wills
W. G. Gooch	L. T. Neat	M. O. Wilson
Frank C. Greene	C. B. Nichols	Louis E. Yewell
C. H. Grimes	S. Mazyck O'Brien	E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. Lee moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 78. An act to declare the desertion of indigent children under the age of sixteen years a felony.

S. B. 23. An act to amend Section 201 of the Constitution of Kentucky.

S. B. 13. An act to regulate the holding of Circuit Courts in the Sixth Judicial District of Kentucky, and amending Section 965 of the Kentucky Statutes.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the enrolling clerk deliver said bills to the Senate.

Mr. Pumphrey moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, MARCH 4, 1916.

The House was opened with prayer by the Rev. Thomas J. Gravatt, Pastor of the Episcopal Church, of Frankfort, Kentucky.

The reading of the House Journal of yesterday was dispensed with.

Mr. Durham moved that since the session is drawing to a close, the call of the counties and representative districts for the introduction of bills be dispensed with after this morning, and that the Speaker permit any member to introduce any bill he may wish today.

Said motion was agreed to.

The Speaker then called for the introduction of bills by those who desired to do so, viz.:

By Mr. E. D. Smith:

H. B. 555. An act relating to revenue and taxation, providing license for selling by retail, spirituous, vinous and malt liquors, and providing penalty for failure to obtain a license.

To the Committee on Revenue and Taxation.

A message was received from the Senate announcing that they had passed a bill originating in that body of the following title, viz.:

S. B. 315. An act to divide the Commonwealth of Kentucky into thirty-eight senatorial districts.

To the Committee on Redistricting, Legislative.

Mr. Dowling, of the Committee on Rules, called from the Committee on Public Ditches and Fences, the Committee on Revenue and Taxation, the Committee on Education, the Committee on Juvenile Courts and Children's Homes, the Committee on Municipalities, the Committee on Public Roads and Highways and the Committee on Public Utilities, bills of the following numbers, viz.: S. B. 237, H. B. 547, S. B. 191, S. B. 160, S. B. 231, H. B. 543 and S. B. 27, which bills were

reported by the chairmen of the respective committees as follows:

By Mr. Yewell, of the Committee on Public Ditches and Fences:

S. B. 237. An act to amend an act relating to the establishment, protecting and building of levees, for the public benefit, approved March 17, 1914.

By Mr. Perry, of the Committee on Revenue and Taxation:

H. B. 547. An act to provide for the taxation of mortgage of real property.

By Mr. White, of the Committee on Education:

S. B. 191. An act authorizing the acceptance of gifts and trusts regarding education by boards of education, and regulating their administration.

By Mr. Price, of the Committee on Juvenile Courts and Children's Homes:

S. B. 160. An act providing for the securing of a separate farm for a House of Reform for Girls; and providing for the management thereof.

By Mr. Hobbs, of the Committee on Municipalities:

S. B. 231. An act to amend section 3462, of subdivision IX., of article IV., of chapter 89, of the Kentucky Statutes, Carroll's edition, 1915, being a part of the Act of June 14, 1893, relating to the government of cities of the third class and providing for a system of public schools and the election,

qualification, term of office, meetings and quorum of the boards of education of said cities of the third class.

By Mr. Coleman, of the Committee on Public Roads and Highways:

H. B. 543. An act repealing the charter of Fairview, incorporated under Act February 6, 1846.

By Mr. Spahn, of the Committee on Public Utilities:

S. B. 27. An act to regulate the licensing of vehicles operating between two or more municipalities within the Commonwealth of Kentucky.

Said bills were severally read the first time at length, and ordered placed in the calendar.

The House then took up for consideration from the calendar bills of the following titles, viz.:

H. B. 331. An act to regulate the sale of leaf tobacco in this State.

S. B. 223. An act prescribing the duties and powers of the Railroad Commission with reference to express companies, steamboats and steamboat companies, telegraph companies and telephone companies.

H. B. 541. An act relating to agricultural extension work and home economics; accepting the provisions of the act of Congress providing for co-operative agricultural extension work between agricultural colleges, which act was approved May 8, 1914; providing that such work shall be done under the direction of the Kentucky University, Lexington, Kentucky; changing the name of said university to University of Kentucky; amending and re-enacting section 1, of chapter

3, Acts of 1908; amending and re-enacting section 15, Kentucky Statutes, 1903; providing for the appointment of trustees of the University of Kentucky; creating an Extension Committee to have charge of extension work under the supervision of the University of Kentucky; providing for the election of an Executive Committee for the University of Kentucky; amending and re-enacting section 13 of the Act of March 21, 1906, creating the State Board of Agriculture, Forestry and Immigration; repealing section 2 of an act for the benefit of the Department of Agriculture, Labor and Statistics, approved March 11, 1912; appropriating money for the University of Kentucky; providing for the establishment of a marketing bureau; authorizing the fiscal courts of the counties and the boards of education of counties to appropriate money for extension work, and amending and re-enacting section 5 of an act for the benefit of the Department of Agriculture, approved March 21, 1906.

S. B. 258. An act to amend section 2516 of the Kentucky Statutes.

S. B. 75. An act to amend sections 2740 and 2741 of article one, chapter 89 of Kentucky Statutes, Carroll's revised edition, 1915, relating to the classification of cities and towns.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were read the second time by their titles, and ordered to be placed in the orders of the day.

Mr. Meyers moved that this House hold a continuous session until two o'clock and then adjourn to meet again on Monday, March 6th, at one o'clock p. m.

Said motion was agreed to.

Mr. Dowling, of the Committee on Rules, called up for consideration, House Bill 320, which bill is entitled:

H. B. 320. An act to repeal section 596 of Kentucky Statutes (Carroll's 1915 edition) relative to the paying of dividends by banks, and re-enacting said section.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 596 of the Kentucky Statutes (Carroll's 1915 edition) be and the same is hereby repealed, and the following is enacted in lieu thereof:

The board of directors of any bank or trust company organized under the laws of this State may declare a dividend of so much of the net profits of the bank or trust company, after deducting therefrom all expenses, losses, bad or suspended debts, interest and taxes accrued or due from the bank, as they may deem expedient. Provided, no bank or trust company shall pay a dividend to the stockholders thereof until such bank or trust company has a surplus fund equal to ten per cent of its capital stock, and before any dividend is declared, not less than one-fifth of the net profits of the bank for the period covered by the dividend shall be carried to its surplus fund until such surplus fund amounts to twenty per cent of its capital stock. All debts due to a bank or trust company on which interest is due and unpaid for six months, unless the same be well secured or in the process of collection, shall be construed bad or suspended debts within the meaning of this section.

Mr. Bullock offered the following amendment to said bill, viz.:

Amend House Bill 320 by requiring banks having a surplus of $10,000 to distribute it among the depositors not having in excess of $25 on deposit, when such surplus has accrued.

Said amendment was disagreed to.

Mr. Kauffman offered the following amendment to said bill, viz.:

Amend by striking out the following, beginning in line 11, "and before any dividend is declared, not less than one-fifth of the net profit of the bank for the period covered by the dividend shall be carried to the surplus fund until such surplus fund amounts to twenty per cent. of the capital stock."

Said amendment was disagreed to.

Mr. Mathers offered the following amendment to said bill, viz.:

Amend House Bill 320 in line 11 by striking out "one-fifth" then insert "ten per cent."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. H. Bays	W. B. Harvey	C. B. Nichols
Frank J. Brown	W. C. G. Hobbs	S. Mazyck O'Brien
E. Bullock	David J. Howard	William A. Perry
Henry A. Cannon	J. M. Howell	Geo. L. Pickett
Glover H. Cary	Chas. L. Hunter	A. B. Pieratt
S. B. Coleman	R.B.Hutchcraft,Jr.	W. A. Price
R. T. Crowe	J. M. Johnson	Lewis Ryans
James S. Cruse	T. R. Jones	L. M. Smith
S. C. Dobbs	Wm. J. Kuh	John W. Snider
Jas. R. Dorman	M. E. Lee	Adam Spahn
Thomas A. Dover	Dr. C. W. Mathers	J. W. Wall
W. E. Dowling	Claude D. Minor	J. D. Wills
J. R. Durham	John T. Murphy	Louis E. Yewell
J. M. Elliston	B. F. McAtee	E. G. Young
W. G. Gooch	E. B. McGlone	
L. B. Hamilton	L. T. Neat	—46

Those who voted in the negative were—

Chas. D. Bratcher	H. Clay Kauffman	Thomas Spurrier
G. G. Brashear	W. T. Lasley	Ed. D. Stone
W. H. Brown	Dr. J. E. Lilly	Robt. R. Treadway
R. A. Cook	Jacob Metzger	F. C. Trivette
A. S. Cooper	S. Montgomery	R. C. Tartar
H. C. Cummins	G. B. Moores	D. B. Tyra
T. T. Gardner	W. J. McMurray	John S. Webb
C. H. Grimes	A. J. Oliver	Frank M. White
A. B. Holland	E. D. Smith	M. O. Wilson
		—27

Resolved, that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill entitled:

H. B. 111. An act regulating roving horse traders.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each head of a family who travels from one point to another in this State, in a wagon or wagons, camping on or near a public highway for the purpose of trading in horses, buying or selling or swapping, with or without boot, shall first buy a license tag from each county clerk in the county he or she may wish to operate, which tag shall be serially numbered with the year it was issued in large letters and placed in some conspicuous part of the wagon so it may be easily read at a distance of thirty feet. This license shall be good for only the year it bears the date. The clerk granting the license shall do it on satisfactory proof of the good moral character of the person or persons to whom it is issued, and he shall keep a record of such license in his office, also a description of the person or persons to whom they are issued, his or her name, age, height, weight, color of eyes and hair, and last permanent residence, which license shall sell for ten dollars and the fees to the clerk for issuing them, which license is not transferable.

Any person violating any provision of this act shall be guilty of a misdemeanor and shall be fined not less than twenty-five nor more than one hundred dollars.

Mr. White moved that said bill be laid on the table.

The yeas and nays being called for by Messrs. White and Tartar on said motion, were as follows, viz.:

Those who voted in the affirmative were—

C. H. Bays	R. B. Jackson	Harry P. Purnell
W. H. Brown	J. M. Johnson	Claude B. Smith
E. Bullock	W. H. Jones	Thomas Spurrier
R. A. Cook	G. B. Moores	Ed. D. Stone
A. S. Cooper	E. B. McGlone	Robt. R. Treadway
L. L. Embrey	W. J. McMurray	F. C. Trivette
C. H. Grimes	L. T. Neat	D. B. Tyra
W. B. Harvey	A. J. Oliver	Frank M. White
A. B. Holland	A. B. Pieratt	E. G. Young

—27

Those who voted in the negative were—

Chas. D. Bratcher	Frank C. Greene	B. F. McAtee
G. G. Brashear	L. B. Hamilton	C. B. Nichols
Frank J. Brown	W. C. G. Hobbs	S. Mazyck O'Brien
Glover H. Cary	David J. Howard	William A. Perry
S. B. Coleman	J. M. Howell	Geo. L. Pickett
R. T. Crowe	Chas. L. Hunter	W. A. Price
James S. Cruse	R.B.Hutchcraft,Jr.	J. D. Pumphrey
H. C. Cummins	T. R. Jones	L. M. Smith
Jas. R. Dorman	H. Clay Kauffman	John W. Snider
W. E. Dowling	W. T. Lasley	J. Wood Vance
William Duffy	Dr. J. E. Lilly	J. W. Wall
J. R. Durham	Dr. C. W. Mathews	John S. Webb
J. M. Elliston	Jacob Metzger	J. D. Wills
T. T. Gardner	Claude D. Minor	M. O. Wilson
W. G. Gooch	John T. Murphy	Louis E. Yewell

—45

And so said motion was disagreed to.

Mr. Johnson offered the following amendment to said bill, viz.:

Amend by adding the following: "This bill shall not

apply to anybody that lives in the State of Kentucky that pays a tax."

The yeas and nays being called for by Messrs. Gardner and Holland on said amendment, were as follows, viz.:

Those who voted in the affirmative were—

C. H. Bays	J. M. Howell	Claude B. Smith
Chas. D. Bratcher	R. B. Jackson	Thomas Spurrier
W. H. Brown	J. M. Johnson	Ed. D. Stone
E. Bullock	W. H. Jones	R. C. Tartar
Thomas A. Dover	G. B. Moores	Robt. R. Treadway
J. M. Elliston	E. B. McGlone	F. C. Trivette
L. L. Embrey	W. J. McMurray	D. B. Tyra
T. T. Gardner	L. T. Neat	Frank M. White
W. G. Gooch	A. J. Oliver	M. O. Wilson
C. H. Grimes	A. B. Pieratt	
A. B. Holland	Harry P. Purnell	—31

Those who voted in the negative were—

G. G. Brashear	David J. Howard	W. A. Price
Frank J. Brown	Chas. L. Hunter	J. D. Pumphrey
Glover H. Cary	R.B.Hutchcraft,Jr.	D. S. Richardson
A. S. Cooper	H. Clay Kauffman	L. M. Smith
S. B. Coleman	W. T. Lasley	E. D. Smith
James S. Cruse	Dr. J. E. Lilly	John W. Snider
H. C. Cummins	Dr. C. W. Mathers	J. W. Wall
W. E. Dowling	Jacob Metzger	John S. Webb
William Duffy	Claude D. Minor	J. D. Wills
J. R. Durham	B. F. McAtee	Louis E. Yewell
Frank C. Greene	C. B. Nichols	E. G. Young
L. B. Hamilton	S. Mazyck O'Brien	
W. C. G. Hobbs	Geo. L. Pickett	—37

And so said amendment was disagreed to.

Mr. L. M. Smith offered the following amendment to said bill, viz.:

Amend House Bill 111 by inserting in line 4 after the word "boot" and before the word "shall" the following: "And having no other visible means of support."

Said amendment was agreed to.

Mr. Gardner offered the following amendment to said bill, viz.:

Amend by inserting: "This act shall not apply to citizens of this State."

Said amendment was disagreed to.

Mr. Pumphrey moved the previous question.

The Speaker stated: Shall the main question be now put?

The question was decided in the affirmative.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Frank J. Brown	Glover H. Cary
G. G. Brashear	Henry A. Cannon	A. S. Cooper

S. B. Coleman	Chas. L. Hunter	W. A. Price
James S. Cruse	T. R. Jones	J. D. Pumphrey
H. C. Cummins	H. Clay Kauffman	Richard Radcliffe
S. C. Dobbs	Wm. J. Kuh	D. S. Richardson
W. E. Dowling	Dr. J. E. Lilly	L. M. Smith
William Duffy	Dr. C. W. Mathers	E. D. Smith
J. R. Durham	Jacob Metzger	John W. Snider
J. M. Elliston	Harry J. Meyers	Adam Spahn
T. T. Gardner	Claude D. Minor	J. W. Wall
Frank C. Greene	B. F. McAtee	J. D. Wills
L. B. Hamilton	E. B. McGlone	M. O. Wilson
W. C. G. Hobbs	C. B. Nichols	Louis E. Yewell
David J. Howard	S. Mazyck O'Brien	E. G. Young
J. M. Howell	William A. Perry	—47

Those who voted in the negative were—

C. H. Bays	J. M. Johnson	Thomas Spurrier
Chas. D. Bratcher	W. H. Jones	Ed. D. Stone
W. H. Brown	G. B. Moores	R. C. Tartar
E. Bullock	W. J. McMurray	Robt. R. Treadway
R. A. Cook	L. T. Neat	F. C. Trivette
L. L. Embrey	A. J. Oliver	J. Wood Vance
C. H. Grimes	A. B. Pieratt	John S. Webb
A. B. Holland	John T. Roach	Frank M. White
R. B. Jackson	Claude B. Smith	—26

Resolved, that the title thereof be as aforesaid.

Mr. Dowling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Ampler moved that this House do now adjourn.

Said motion was disagreed to.

The House then took up for consideration from the orders of the day a bill entitled:

H. B. 299. An act to amend chapter 113, article VIa., Carroll's Kentucky Statutes, 1915 (page 133, Act of March 24, 1908) districts, trustees, teachers, taxation.

Mr. Radcliffe moved that said bill be recommitted to the Committee on Education with leave to report said bill at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 378. An act to repeal an act entitled "An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville," approved March 28, 1873, and all amendments thereto.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to provide for the erection of school buildings in Common School District No. 1, in the town of Hawesville," approved March 28, 1873, and all amendments thereto, be and the same are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. D. Bratcher
G. G. Brashear
Frank J. Brown
W. H. Brown
Henry A. Cannon
R. A. Cook
A. S. Cooper
S. B. Coleman
James S. Cruse
H. C. Cummins
S. C. Dobbs
W. E. Dowling
William Duffy
J. R. Durham
L. L. Embrey
T. T. Gardner
W. G. Gooch
C. H. Grimes
L. B. Hamilton
W. C. G. Hobbs
A. B. Holland
J. M. Howell
R. B. Jackson
J. M. Johnson
T. R. Jones
Wm. J. Kuh
W. T. Lasley
M. E. Lee
Dr. J. E. Lilly
Dr. C. W. Mathers
Jacob Metzger
Harry J. Meyers
Claude D. Minor
S. Montgomery
G. B. Moores
John T. Murphy
E. B. McGlone
W. J. McMurray
L. T. Neat
C. B. Nichols
S. Mazyck O'Brien
A. J. Oliver
William A. Perry
A. B. Pieratt
J. D. Pumphrey
Harry P. Purnell
D. S. Richardson
John T. Roach
Lewis Ryans
L. M. Smith
E. D. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Thomas Spurrier
Ed. D. Stone
R. C. Tartar
Robt. R. Treadway
F. C. Trivette
D. B. Tyra
J. W. Wall
John S. Webb
Frank M. White
Louis E. Yewell
E. G. Young
—65

Resolved, that the title thereof be as aforesaid.

Mr. Dowling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 178. An act to amend an Act of the General Assembly of the Commonwealth of Kentucky, approved March 18, 1912, entitled: "An act relating to cities of the fifth class and repealing section 3643, chapter 89, Kentucky Statutes, Carroll's edition."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 18, 1812, entitled: "An act relating to cities of the fifth class and repealing section 3643, chapter 89, Kentucky Statutes, Carroll's edition," be and the same is hereby amended by inserting after the word "highways," the following, "water-mains (when the city owns its own water-works)"; and said section be and the same is hereby further amended by inserting after the sentence which ends in the following language, "if they prefer doing so, instead of paying for the same," the following sentence, to-wit: "Whenever any expense or cost of work shall have been assessed on any lands herein provided, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens and which may be enforced by the contractor or city in accordance with the provisions of the Code of Practice"; that said section be and the same is hereby further amended by adding after the word "highways" the following, "water-mains (when the city owns its own water works)," so that said section when so amended shall read as follows, to-wit:

"Section 1. The city council is hereby authorized and

empowered to order any work they may deem necessary to be done upon the sidewalks, curbing, sewer, streets, avenues, highways, water main (when the city owns its own water works) and public places of such city. The expenses incurred in making and repairing sidewalks and curbing shall be paid by the owners of the lands fronting and abutting thereon, each lot or portion of lot being separately assessed for the full value thereof, in proportion to the frontage thereof to the entire length of the whole improvement, not exceeding a square, sufficient to cover the total expense of the work; but the owners of such property shall have the right to make such improvements, if they prefer doing so, instead of paying for the same. Whenever any expense or cost of work shall have been assessed on any lands herein provided, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be enforced by the contractor or city in accordance with the provisions of the Code of Practice. The cost and expenses incurred in constructing or reconstructing streets, avenues, highways, water-mains (when the city owns its own water works), sewers and public places shall be paid out of a general fund of the city or by the owners of the land fronting and abutting thereon, as the city council may in each case determine; or the city council may order and direct that two-thirds only of said cost and expenses so incurred shall be paid by the owners of the lands fronting and abutting said improvements and the other one-third paid by the city; but the local assessments shall not exceed fifty per centum of the value of the ground after such improvement is made, excluding the value of the buildings and other improvements upon the property so improved.

The cost of constructing or reconstructing the intersection or crossing of streets, avenues and highways shall be at the expense of the city.

Each subdivision or territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares on either or both sides by principal streets, the ordinance providing for the improvement for such public ways shall be the depth on the side or sides not defined in the square fronting said improvement, to be assessed for the cost of making the same, according to the number of square feet owned by the parties, respectively, within the depth set out by ordinance."

§ 2. That section two of said act be and the same is hereby amended by inserting after the word "highways," the following, "water-mains (when the city owns its own water works)," so that said section when so amended shall read as follows, to-wit:

"Section 2. Whenever the city council shall determine upon the construction or reconstruction of streets, avenues, highways, water mains (when the city owns its own water works), sewers and public places at the expense or partial expense of the abutting property, as provided in section one of this act, they shall cause the same to be done as follows:

"The ordering of such improvement shall be by ordinance of the city council, and the contract therefor shall be awarded to the lowest and best bidder after proper advertisement for bids. The city council shall require the accepted bidder to execute a bond to the city with good and sufficient security to be approved by said council for the faithful performance of his contract."

§ 3. That section three of said act be and the same is hereby amended by inserting after the word "highways," the following, "water mains (when the city owns its own water works)"; that said section be and the same is hereby

further amended by striking out the word "respectfully" and inserting in lieu thereof the word "respectively;" that said section be and the same is hereby further amended by changing the period at the end of said section to a semicolon and adding the following language to the end of said section, to-wit: "but the cost of constructing water-mains, when same or any part of same shall be assessed against abutting property owners, shall be assessed against the property owners on each side of the street, which shall be subject to the use of same, said assessment, however, to be made with due regard to the number of front feet abutting such water-mains and in equal apportionment on each side of the street subject to the use of said mains according to the number of front feet owned by each of them respectively," so that said section when so amended shall read as follows, to-wit:

"Section 3. The original construction or reconstruction of any streets, avenues, highways, water-mains (when the city owns its own water works), alleys, sewers and public places may be made at the exclusive cost of the owners of the lots and parts of lots or lands fronting or abutting or bordering upon the proposed improvements, to be equally apportioned by the city council according to the number of front feet owned by them respectively, or in part at the cost of the owners and in part at the cost of the city, upon the petition of a majority of the property owners of lots or parts of lots, or land abutting or bordering upon the proposed improvement; or the city council may cause same to be done without such petition upon the vote of four members elect of said council at a regular meeting thereof; or the council may, by a majority vote of any regular meeting thereof cause any such improvement to be made upon the ten-year bond plan as hereinafter provided; but the cost of constructing water-mains, when same or any part of same shall be assessed against abutting property owners, shall be assessed against the property owners on each side of the street, which

shall be subject to the use of same; said assessment, however, to be made with due regard to the number of front feet abutting such water-mains and in equal apportionment on each side of the street subject to the use of said mains according to the number of front feet owned by each of them respectively."

§ 4. That section four of said act be and the same is hereby amended to read as follows, to-wit:

"Section 4. But when any work, undertaken under the provision of the preceding section, to-wit: Upon the ten-year bond plan, is completed in accordance with the contract, the said work shall be received by the city council and the said council shall order the payment for the same made to the contractor by issuing an order to the city treasurer to pay same in full out of 'The Street Improvement Fund.' "

§ 5. Said act when so amended shall read as follows, to-wit:

"Section 1. The city council is hereby authorized and empowered to order any work they may deem necessary to be done upon the sidewalks, curbing, sewer, streets, avenues, highways, water-mains (when the city owns its own water works) and public places of such city. The expenses incurred in making and repairing sidewalks and curbing shall be paid by the owners of the lands, fronting and abutting thereon, each lot or portion of lot being separately assessed for the full value thereof, in proportion to the frontage thereof to the entire length of the whole improvement, not exceeding a square, sufficient to cover the total expense of the work; but the owners of such property shall have the right to make such improvements, if they prefer doing so, instead of paying for the same. Whenever any expense or cost of work shall have been assessed on any lands herein

provided, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be enforced by the contractor or city in accordance with the provisions of the Code of Practice. The cost and expenses incurred in constructing or reconstructing streets, avenues, highways, water-mains (when the city owns its own water works), sewers and public places shall be paid out of a general fund of the city or by the owners of the land fronting and abutting thereon, as the city council may in each case determine; or the city council may order and direct that two-thirds only of said cost and expenses so incurred shall be paid by the owners of the lands fronting and abutting said improvements and the other one-third paid by the city; but the local assessments shall not exceed fifty per centum of the value of the ground after such improvement is made excluding the value of the buildings and other improvements upon the property so improved.

"The cost of constructing or reconstructing the intersection or crossing of streets, avenues and highways shall be at the expense of the city.

"Each subdivision or territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares on either or both sides by principal streets, the ordinance providing for the improvement for such public ways shall be the depth on the side or sides not defined in the square fronting said improvement, to be assessed for the cost of making the same, according to the number of square feet owned by the parties, respectively, within the depth set out by ordinance.

"Section 2. Whenever the city council shall determine upon the construction or reconstruction of streets, avenues, highways, water-mains (when the city owns its own water

works), sewers and public places at the expense or partial expense of the abutting property, as provided in section one of this act they shall cause the same to be done as follows:

"The ordering of such improvement shall be by ordinance of the city council, and the contract therefor shall be awarded to the lowest and best bidder after proper advertisement for bids. The city council shall require the accepted bidder to execute a bond to the city with good and sufficient security to be approved by said council for the faithful performance of his contract.

"Section 3. The original construction or reconstruction of any streets, avenues, highways, water-mains (when the city owns its own water works), alleys, sewers and public places may be made at the exclusive cost of the owners of the lots and parts of lots or lands fronting or abutting or bordering upon the proposed improvements to be equally apportioned by the city council according to the number of front feet owned by them respectively, or in part at the cost of the owners and in part at the cost of the city, upon the petition of a majority of the property owners of lots or parts of lots, or land abutting or bordering upon the proposed improvement; or the city council may cause same to be done without such petition upon the vote of four members elect of said council at a regular meeting thereof; or the council may, by a majority vote of any regular meeting thereof, cause any such improvement to be made upon the ten-year bond plan as hereinafter provided; but the cost of constructing water-mains, when same or any part of same shall be assessed against abutting property owners, shall be assessed against the property owners on each side of the street, which shall be subject to the use of same, said assessment, however, to be made with due regard to the number of front feet abutting such water-mains and in equal apportionment on each side of the street subject to the use of said mains ac-

cording to the number of front feet owned by each of them respectively.

"Section 4. But when any work, undertaken under the provision of the preceding section, to-wit: Upon the ten-year bond plan, is completed in accordance with the contract, the said work shall be received by the city council and the said council shall order the payment for the same made to the contractor by issuing an order to the city treasurer to pay same in full out of 'The Street Improvement Fund.'

"Section 5. Whenever any work done hereunder (upon the ten-year bond plan) has been completed and accepted, the city council shall issue the bonds of the city, in sums not to exceed the cost of said improvement, and all expenses in connection therewith, including the expense and the issual and sale of said bonds, and shall sell the same to the highest bidder after due advertisement at a price not less than par and accrued interest. Said bonds shall be divided into ten series, each series to be as nearly equal as possible, said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of the denomination of one hundred dollars or multiple thereof not exceeding five hundred dollars, and shall bear interest at a rate of not to exceed six per cent. per annum, and shall be payable at a Kentucky bank to be designated by the city council.

"Section 6. All moneys arising from the sale of bonds provided for herein shall be kept by the city treasurer in a separate fund to be known as the 'Street Improvement Fund,' and the treasurer shall pay out of the said funds all orders which the city council shall direct paid for any street improvement provided for herein; and shall keep all money accruing or arising under the provisions hereof in the same manner and subject to all the regulations regarding other

money of the city, except that he shall keep a separate account of the same, and credit all interest arising therefrom to said 'Street Improvement Fund;' and said city treasurer shall be responsible under his official bond as city treasurer, for the money accruing and received by him hereunder, and for the faithful performance of the duties herein required of him.

"Section 7. The cost of any improvement made hereunder shall be assessed equally by the front feet upon the property fronting or abutting or bordering upon said improvement.

"All property fronting or abutting or bordering upon said improvement belonging to the city shall be considered and assessed as property belonging to individuals, and the assessment thereon together with the cost of intersections and crossings shall be paid by the city out of the general fund, and charged to the 'Street Improvement Fund.' The assessment shall be made as soon as the improvement is fully completed, and the sum assessed against each piece of property, and also the owners thereof, shall be placed upon the tax list of the city, and shall be payable to the city treasurer, in ten equal annual installments with interest at the rate per annum which said bonds bear upon the unpaid portion thereof.

"The first installment, together with the interest on the whole amount at said rate per centum per annum, shall be payable at the first payment of taxes next succeeding the time the assessment is placed upon the tax list, and the other installment annually thereafter, and always at the time of the payment of the other city taxes with interest at said rate on the installments not due at the time until all the installments are paid.

"The assessments may be collected like other taxes, or

the city may at any time after the installment remains delinquent for thirty days, by suit in equity, enforce its lien with all the unpaid installments, with interest at the said rate thereon to date of satisfaction thereof and its costs expended.

"Section 8. The city treasurer shall not be entitled to receive any compensation whatever for his services in collecting taxes provided for herein, nor for any other services performed hereunder unless the city council see proper by ordinance to make him a specific allowance therefor, which shall be done by the votes of two-thirds of the members elect of said council.

"Section 9. The assessments herein provided for under the provisions hereof, together with the interest accruing thereon, shall be a lien upon the property fronting or abutting or bordering upon the streets or improvement, from the date of the passage of the ordinance ordering the improvement made, and shall remain a lien until fully paid off, including interest and cost, having precedence over all other liens; and said liens shall not be defeated or postponed by any judicial sale, or by any mistake in the description of the property or in the name or names of the owners thereof.

"Section 10. The owner or owners of lots or parts of lots of land, may at any time after the assessment for a street improvement is made, pay off in full the whole amount up to and including the next ensuing date provided for the payment of said city taxes, and the lien herein established shall be satisfied by such payment if any owner or owners shall divide his property so that the number of feet fronting the improvement is separated in small lots or tracts by the payment of the amount thereon, or the lien may be apportioned to the new owners by the city clerk calcuated by

the rate of the feet front of such lot or lots or parcels to the front foot of the original tract.

"Section 11. All money received from the assessment herein provided for shall be apportioned, upon the order of the city council or upon the order of the city treasurer, to the payment of the interest and to the redemption of the bonds which may be issued for the improvements herein provided for.

"Section 12. If it shall be necessary to raise an amount of money for said 'Street Improvement Fund,' which would create an indebtedness greater than the amount which could be met by the levy authorized by law, the city council shall cause the question of such issue and sale of bonds to be submitted to the qualified voters of said city at an election to be held for said purpose, as provided for in section 3637, subsection 3, of the Kentucky Statutes. If upon the canvass of the votes cast at said election it shall appear that two-thirds of those voting upon said question at said election have voted in favor of the issue and sale of said bonds, it shall be the duty of said council to pass an ordinance providing therefor.

"Section 13. All acts and parts of acts in conflict herewith are hereby repealed."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. G. Gooch	E. B. McGlone
C. H. Bays	Frank C. Greene	S. Mazyck O'Brien
Chas. D. Bratcher	C. H. Grimes	A. J. Oliver
G. G. Brashear	L. B. Hamilton	A. B. Pieratt
Frank J. Brown	W. C. G. Hobbs	J. D. Pumphrey
W. H. Brown	A. B. Holland	Harry P. Purnell
Henry A. Cannon	J. M. Howell	D. S. Richardson
Glover H. Cary	Chas. L. Hunter	John T. Roach
R. A. Cook	R.B.Hutchcraft,Jr.	L. M. Smith
A. S. Cooper	R. B. Jackson	E. D. Smith
S. B. Coleman	W. H. Jones	Claude B. Smith
R. T. Crowe	Wm. J. Kuh	John W. Snider
H. C. Cummins	Dr. J. E. Lilly	Adam Spahn
S. C. Dobbs	Dr. C. W. Mathers	Thomas Spurrier
Thomas A. Dover	Jacob Metzger	Ed. D. Stone
W. E. Dowling	Harry J. Meyers	R. C. Tartar
William Duffy	Claude D. Minor	J. W. Wall
Odie Duncan	S. Montgomery	John S. Webb
J. R. Durham	G. B. Moores	Louis E. Yewell
L. L. Embrey	John T. Murphy	E. G. Young
T. T. Gardner	B. F. McAtee	—62

Those who voted in the negative were—

H. Clay Kauffman W. J. McMurray —2

Resolved, that the title thereof be as aforesaid.

Mr. Dowling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a resolution of the following title, viz.:

H. Res. 11. A resolution relating to costs and attorneys' fees in the contest case of S. C. Dobbs against W. C. Allen.

(For said resolution see House Journal of February 4th, 1916.)

Mr. Meyers moved that said resolution be adopted.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Frank J. Brown	W. C. G. Hobbs	William A. Perry
W. H. Brown	A. B. Holland	Geo. L. Pickett
E. Bullock	J. M. Howell	W. A. Price
Henry A. Cannon	Chas. L. Hunter	J. D. Pumphrey
Glover H. Cary	R.B.Hutchcraft,Jr.	D. S. Richardson
A. S. Cooper	W. H. Jones	Lewis Ryans
R. T. Crowe	Wm. J. Kuh	L. M. Smith
James S. Cruse	W. T. Lasley	E. D. Smith
Jas. R. Dorman	Dr. J. E. Lilly	Claude B. Smith
Thomas A. Dover	Dr. C. W. Mathers	John W. Snider
W. E. Dowling	Jacob Metzger	Adam Spahn
Odie Duncan	Harry J. Meyers	R. C. Tartar
J. R. Durham	Claude D. Minor	F. C. Trivette
J. M. Elliston	S. Montgomery	D. B. Tyra
L. L. Embrey	John T. Murphy	J. Wood Vance
T. T. Gardner	B. F. McAtee	J. W. Wall
W. G. Gooch	E. B. McGlone	John S. Webb
Frank C. Greene	L. T. Neat	Frank M. White
C. H. Grimes	C. B. Nichols	Louis E. Yewell
J. S. Hall	S. Mazyck O'Brien	E. G. Young
L. B. Hamilton	A. J. Oliver	—62

Those who voted in the negative were—

H. F. S. Bailey	J. M. Johnson	John T. Roach
C. H. Bays	T. R. Jones	Thomas Spurrier
Chas. D. Bratcher	G. B. Moores	Ed. D. Stone
R. A. Cook	W. J. McMurray	J. D. Wills
David J. Howard	A. B. Pieratt	M. O. Wilson
R. B. Jackson	Harry P. Purnell	—17

And so said resolution was adopted.

Mr. Dowling moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill entitled:

H. B. 251. An act relating to trading stamps, coupons, tickets, certificates, cards and other similar written or printed premium devices, by whatever name called to be used in connection with the sale of goods, wares or merchandise or other article or thing of value, or in connection with work, labor or services rendered for value; and providing penalties for violations of its provisions.

Said bill reads as follows:

Whereas, a practice has grown up among merchants and other persons of giving stamps, coupons, tickets, certificates, cards or other similar written or printed premium devices, commonly called "trading stamps," with the sale of their goods, wares and merchandise, which said stamps, coupons, tickets, certificates cards or other similar premium devices entitle the purchaser receiving the same to procure, some-

times from the merchant giving same as aforesaid, and sometimes from some other person or corporation, goods, wares or merchandise, or money, or other thing of value upon the production of a number of said stamps, coupons, tickets, certificates, cards or other similar premium devices; and

Whereas, a number of persons and corporations have gone into the so-called trading stamp business, and these persons and corporations have no stock in trade, sell nothing and have nothing for sale in the way of ordinary merchants, but simply sell to merchants and other persons, stamps, coupons, tickets, certificates, cards or other similar premium devices, for such merchants or other persons to give to their customers, and such trading stamp companies agree with the merchant or other person to redeem said stamps, coupons, tickets, certificates, cards or other similar premium devices, for goods, wares and merchandise, money or other thing of value, when presented in certain specified numbers; and whereas said trading stamp business has become large and profitable, and stands in a class distinct and different from any other legitimate business or calling, in that it is dependent upon a gamble, and bases its profit upon unclaimed and forfeited values, that is, upon the chance that certain persons who receive said stamps, coupons, tickets, certificates, cards or other similar premium devices, will, for one reason or another, fail to present them for redemption; and whereas of late, when more persons have presented their said stamps, coupons, tickets, certificates, cards or other similar premium devices, for redemption than was calculated upon by said companies, several of such companies were unable, or at least refused and failed, to redeem said stamps, coupons, tickets, certificates, cards or other similar premium devices, and have become insolvent, to the fraud and delusion of and imposition upon the general public, who, in many instances, were persuaded to buy unnecessary articles to procure said stamps in reliance on the belief that

said stamps, coupons, tickets, certificates, cards or other similar premium devices, would be redeemed according to their terms, when presented; and,

Whereas, such stamps, coupons, tickets, certificates, cards or other similar premium devices are frequently forced as a business necessity upon unwilling merchants to meet competition from merchants in the same line of business who give such stamps, coupons, tickets, certificates, cards or other similar premium devices to customers, and many merchants and other persons are thus forced to pay tribute to the so-called trading stamp companies, non-producers of wealth or value but simply exploiters of a cunning device, which tribute and unnecessary expense in the end falls upon the unsuspecting general public, which is led to believe that it is in fact getting something for nothing; and,

Whereas, the use of such trading stamps, coupons, tickets, certificates, cards or other similar premium devices serves no useful purpose and at best but encourages extravagance and indiscriminate and unnecessary purchasing by persons ill able to indulge in any extravagence; and when the use of such stamps, coupons, tickets, certificates, cards or other similar premium devices is not properly regulated and safeguarded, as demonstrated by recent experience, such stamps, coupons, tickets, certificates, cards or other similar premium devices prove to be a fraud, delusion and imposition upon the public;

Now, therefore, for the purpose of regulating the sale and use of such stamps, and for the purpose of safeguarding the public interest and preventing a fraud upon the public;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The term "trading stamp," within the meaning of this act, is hereby defined to be any stamp, coupon, ticket, certificate, card or any other similar written or printed device, by whatever name called, that is issued or given away or furnished with any purchase or sale of goods, wares or merchandise or other article or thing of value, or with work, labor or services of any kind, performed or rendered for value, which, when presented either separately or with other similar stamps, coupons, tickets, certificates, cards or other similar written or printed devices, by whatever name called, shall entitle the holder thereof, or the person presenting the same to receive in whole or in part any gift, prize, money, article of merchandise, or value, or which shall be received or taken in part payment for any gift, prize, money or article of merchandise or value.

The term "trading stamp company," within the meaning of this act, is hereby defined to mean and include any person, firm or corporation that is engaged in the business of selling or furnishing to merchants or to any other person trading stamps, as herein defined, which such merchant or other person furnishes or gives away to his customers with purchases or sales of goods, wares or merchandise, or in connection with work, services or labor performed for value, it being immaterial whether such stamps are redeemed in money or merchandise by the trading stamp company or by the merchant or person who gives them to his customers, or by any other person.

The term "merchant" and the term "person" wherever used in this act shall include and be held to mean individual, partnership, corporation and joint stock company.

§ 2. Each resident and foreign trading stamp company doing business in this State shall annually pay a license tax

of one thousand dollars ($1,000.00), to be paid into the State treasury.

§ 3. Each resident or foreign trading stamp company doing business in this State shall, on the 1st day of July, 1917, or within ten days from said date, and annually thereafter, file or cause to be filed with the Auditor of Public Accounts of the Commonwealth of Kentucky, a true, correct and accurate statement, subscribed and sworn to by the indvidual, member of the firm, or one of the chief officers of the corporation, conducting said trading stamp company, said statement to contain:

(a) The name and address of each merchant or other person in the Commonwealth of Kentucky to whom such company has sold, furnished, or supplied trading stamps, to be given away, or distributed by such merchant or other person with the sale of goods, wares, or merchandise or thing of value, or with labor or services rendered for value, and the number and kind of trading stamps sold, furnished or supplied by such company, to each such merchant or other person in the Commonwealth of Kentucky, during the year ending June 30th preceding the filing of such statement.

(b) The number and kind of stamps, if any, given away or distributed by merchants or other persons, during said year, that have been redeemed by it during the said year ending on June 30th, and the names and addresses of the merchants or other persons in the Commonwealth of Kentucky, who gave away such stamps during said year, so redeemed by said company, and the number of stamps so redeemed by said company given away by each such merchant or other person.

(c) The redeemable value, either in cash or in merchandise, or both, as the case may be, of the stamps issued,

sold or furnished by it; and it shall be unlawful for any such trading stamp company in any way to advertise or to hold out to the public or to any one else that the redeemable value of the stamps issued, sold or furnished by it, is greater than that specified in its said annual statement to the Auditor of Public Accounts.

§ 4. Each merchant or other person who issues, furnishes, sells or gives away with any purchase or sale of goods, wares or merchandise or other article or thing of value, or with work, labor or services of any kind, performed or rendered for value, trading stamps (as defined in section one of this act), shall place or cause to be placed on the face of each such trading stamp, before same is furnished, distributed or given away by him as aforesaid, his name or other distinctive mark or symbol, representing his name, and the date on which such stamp was furnished, distributed or given away by him, so that each such stamp can at all times be identified as having been given away, furnished or distributed by him, and the year, month and day when it was so given away, furnished or distributed by him.

Each merchant or other person who uses trading stamps in connection with his business or calling, as aforesaid, shall keep a true, correct and accurate account of the kinds and the number of each kind of trading stamps issued, furnished, distributed or given away by him, and shall, on the first day of July, 1917, or within ten days from said date, and annually thereafter, file or cause to be filed with the Auditor of Public Accounts of the Commonwealth of Kentucky, a true, correct and accurate statement, subscribed and sworn to by the said merchant or other person as aforesaid, if an individual, or by a member of the firm if a partnership, or by one of the chief officers of the corporation if a corporation, of the total number of trading stamps, of each kind issued, furnished, supplied, distributed or given away by such

merchant or other person as aforesaid, during the year ending June 30th preceding the filing of such statement.

If such merchant or other person himself redeems or holds himself out as ready to redeem the trading stamps, issued, furnished, supplied, distributed or given away by him, as aforesaid, such merchant or other person shall include in the statement aforesaid, a true, correct and accurate account of the number of such stamps furnished or given away by him during said year which were actually redeemed by him during the said year ending June 30th.

Should such merchant or other person redeem, or hold himself out as ready to redeem, the stamps issued, furnished, distributed or given away by some other merchant or person, then the statement required herein shall also contain the names and addresses of the other merchants or persons whose stamps have so been redeemed by him during said year, and the number and kind of stamps so redeemed by him given away by each such merchant or other person, during the said year ending June 30th.

If any merchant or other person redeems or holds himself out as ready to redeem any trading stamps, whether such trading stamps were originally issued or sold by some trading stamp company or given away or distributed by some other merchant or person, or whether such stamps are issued by such merchant or other person himself, then it shall be the duty of such merchant or other person to include in the statement required in and by this section to state the redeemable value of any stamps that he redeems or holds himself out as ready to redeem; and it shall be unlawful for any such merchant or other person in any way to advertise or to hold out to the public or to any one else that the redeemable value of such stamps is greater than that specified

in the said annual statement to the Auditor of Public Accounts.

The statements required in and by sections three and four of this act, shall be in such form as the Auditor may prescribe.

The Auditor of Public Accounts shall file the statements required in and by sections three and four of this act, and shall make them a permanent record of his office.

§ 5. The Auditor of Public Accounts of the Commonwealth of Kentucky shall, as soon as possible, after the filing with him of the statements required in and by sections 3 and 4 of this act, notify in writing each such merchant or other person who issues, furnishes or supplies or gives away trading stamps in connection with his business or calling of the total number of trading stamps, issued, furnished or supplied or given away by such merchant or other person during the year, and which are outstanding and unredeemed, as of the said date of June 30th; and upon receipt by him of such notification, it shall be the duty of each such merchant or other person to execute a bond to the Commonwealth of Kentucky, with a solvent surety company authorized to do business in the Commonwealth of Kentucky, for the use and benefit of the holders of such trading stamps, in an amount that represents the redeemable value of such outstanding and unredeemed stamps. Said bond shall be filed with the Auditor, and shall be conditioned that such merchant or other person who furnished or gave away said stamps in connection with the sale of merchandise or article or thing of value or services rendered, shall redeem such stamps, or pay the holder thereof in cash their redeemable value, in the event that the trading stamp company or any one else, including himself, that holds or held itself or himself out as ready to redeem such stamps should fail or be unable to

do so when presented. Any holder of such stamps may sue on such bond in his own name.

§ 6. Any person, firm or corporation violating any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for each offense; and each day that any such person, firm or corporation does business in violation of any provision of this act shall constitute a separate offense.

§ 7. Nothing in this act contained shall be construed as prohibiting or in any way limiting or interfering with the right of any city or incorporated town to regulate the sale and use of trading stamps within such city or incorporated town, but the requirements of this act shall be in addition thereto.

§ 8. If, for any reason, any section, provision, clause or any part of this act shall be held to be unconstitutional or invalid, then that fact shall not affect or destroy the validity or constitutionality of any other section, provision, clause or part of this act, which is not in and of itself unconstitutional or invalid, and the remaining portion of the act shall be enforced without regard to the section, provision, clause or part so held to be invalid.

§ 9. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Oliver offered the following amendment to said bill, viz.:

Amend section 2 by striking out the words "one thousand dollars" and inserting in lieu thereof the words "two hundred and fifty dollars."

Said amendment was disagreed to.

Mr. Spahn offered the following amendment to said bill, viz.:

Amend section 7 in line 5, after the word "thereto," add the following words: "This act shall not take effect until Jan. 1, 1917."

Said amendment was disagreed to.

Mr. Spahn offered the following amendment to said bill, viz.:

Amend section 1 by striking out the words "one thousand dollars" and inserting in lieu thereof the words "fifty dollars."

Said amendment was disagreed to.

Mr. Spahn moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Chas. D. Bratcher	R. B. Jackson	Geo. L. Pickett
W. H. Brown	W. H. Jones	A. B. Pieratt
R. A. Cook	H. Clay Kauffman	W. A. Price
S. B. Coleman	Wm. J. Kuh	Harry P. Purnell
R. T. Crowe	W. T. Lasley	D. S. Richardson
James S. Cruse	Dr. J. E. Lilly	John T. Roach
S. C. Dobbs	Dr. C. W. Mathers	Lewis Ryans
Thomas A. Dover	Harry J. Meyers	L. M. Smith
W. E. Dowling	Claude D. Minor	E. D. Smith
Odie Duncan	G. B. Moores	Claude B. Smith
J. R. Durham	John T. Murphy	Thomas Spurrier
Frank C. Greene	B. F. McAtee	R. C. Tartar
L. B. Hamilton	E. B. McGlone	F. C. Trivette
W. C. G. Hobbs	W. J. McMurray	J. D. Wills
J. M. Howell	C. B. Nichols	M. O. Wilson
Chas. L. Hunter	A. J. Oliver	Louis E. Yewell
R.B.Hutchcraft,Jr.	William A. Perry	E. G. Young

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Those who voted in the negative were—

H. F. S. Bailey	W. G. Gooch	S. Mazyck O'Brien
C. H. Bays	C. H. Grimes	Adam Spahn
E. Bullock	J. S. Hall	Ed. D. Stone
Glover H. Cary	A. B. Holland	D. B. Tyra
A. S. Cooper	David J. Howard	J. W. Wall
H. C. Cummins	J. M. Johnson	John S. Webb
William Duffy	T. R. Jones	Frank M. White
J. M. Elliston	Jacob Metzger	
T. T. Gardner	S. Montgomery	

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Resolved, that the title thereof be as aforesaid.

Mr. Dowling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Meyers moved that House Bill 97 be called from the Committee on Banks and Banking and given its first reading.

Said motion was agreed to.

(Mr. Cary, of the Committee on Banks and Banking, stated that he would try to find said bill and report same.)

Mr. William Duffy moved that this House do now adjourn.

The yeas and nays being called for by Messrs. Kauffman and Howard on said motion to adjourn, were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey
C. H. Bays
Chas. D. Bratcher
G. G. Brashear
E. Bullock
Henry A. Cannon
Glover H. Cary
A. S. Cooper
S. B. Coleman
R. T. Crowe
James S. Cruse
H. C. Cummins
S. C. Dobbs
W. E. Dowling
William Duffy
Odie Duncan
J. M. Elliston
L. L. Embrey
W. G. Gooch
J. S. Hall
L. B. Hamilton
W. C. G. Hobbs
J. M. Howell
R. B. Jackson
T. R. Jones
W. H. Jones
W. T. Lasley
Dr. J. E. Lilly
Jacob Metzger
Harry J. Meyers
Claude D. Minor
S. Montgomery
John T. Murphy
B. F. McAtee
S. Mazyck O'Brien
A. J. Oliver
William A. Perry
Geo. L. Pickett
W. A. Price
D. S. Richardson
Lewis Ryans
Claude B. Smith
Thomas Spurrier
R. C. Tartar
F. C. Trivette
D. B. Tyra
John S. Webb
Frank M. White
J. D. Wills
Louis E. Yewell
E. G. Young

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Those who voted in the negative were—

Frank J. Brown	R.B.Hutchcraft,Jr.	C. B. Nichols	
Jas. R. Dorman	J. M. Johnson	A. B. Pieratt	
Thomas A. Dover	H. Clay Kauffman	E. D. Smith	
J. R. Durham	Wm. J. Kuh	John W. Snider	
T. T. Gardner	M. E. Lee	Adam Spahn	
Frank C. Greene	Dr. C. W. Mathers	Ed. D. Stone	
C. H. Grimes	S. Montgomery	J. W. Wall	
A. B. Holland	G. B. Moores	M. O. Wilson	
David J. Howard	W. J. McMurray		
Chas. L. Hunter	L. T. Neat		—28

And so said motion was agreed to.

And then the House adjourned to meet again on Monday, March 6th, at one o'clock p. m.

MONDAY, MARCH 6, 1916.

The House was opened with prayer by the Rev. Father O'Dwyer of the Roman Catholic Church, of Frankfort, Kentucky.

The reading of the House Journal of Saturday, March 4, 1916, was dispensed with.

A message was received from the Senate announcing that they had passed a bill originating in that body of the following title, viz.:

S. B. 274. An act to provide means for the analysis and examination, investigation, publication, and other necessary expenses connected with the carrying out of chapter 4 of the acts of the General Assembly of the Commonwealth of

Kentucky of 1908, entitled "An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violation thereof," and appropriating and limiting the amount of money to be paid from the treasury of the Commonwealth of Kentucky for such work.

To the Committee on Alcoholic Liquor Traffic.

Upon a call of the counties and representative districts the following bills were introduced, ordered printed, and referred as follows, viz.:

By Mr. Tartar:

H. B. 556. An act to amend and re-enact chapter 23a, section 418a, Kentucky Statutes, Carroll's edition, 1915, which is an Act of 1912, dividing the State of Kentucky into eleven congressional districts.

To the Committee on Redistricting, Congressional.

By Mr. Hutcheraft:

H. B. 557. An act to amend section 965 of the 1909 Carroll's Kentucky Statutes, relating to the time of holding circuit courts in the Eighteenth Judicial District.

To the Committee on Redistricting, Judicial.

Mr. Hobbs offered the following joint resolution, viz.:

A joint resolution authorizing the Enrolling Clerk of the House to employ one or more persons to assist in enrolling bills during the closing days of the session, and appropriating seventy-five dollars to pay for such services.

Whereas, during the closing days of the session of the General Assembly it will be impossible for the Enrolling Clerk alone to enroll all bills which may be passed; and,

Whereas, it is necessary that she employ one or more persons to assist her in such work during the last few days of the session; now, therefore,

Be it resolved by the House of Representatives and the Senate of the General Assembly of Kentucky:

§ 1. That Mrs. Emma Guy Cromwell, Enrolling Clerk of the House, is hereby authorized to employ one or more persons to help her during the closing days of the session in the enrollment of bills, and the sum of seventy-five dollars is hereby appropriated out of the contingent fund of the House to enable her to pay for such services, and the Auditor is authorized to draw his warrant in her favor for said sum.

Said resolution was received, read and referred to the Committee on Appropriations.

Mr. Perry offered the following resolution, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there shall be appointed by the Governor, a committee to be known as The Kentucky Tax Commission, to be composed of seven members, namely: The Attorney General, the Auditor and the Treasurer of the State of Kentucky and two members of the House of Representatives and two members of the Senate. All of the members of said commission shall be persons familiar with revenue and taxation and the laws relating thereto. Said commission shall meet within ten days after the adjournment of the present session of the General Assembly and organize by electing one of its mem-

bers chairman and a secretary who may not necessarily be a member of the commission.

The duties of said commission shall be to investigate the taxation methods of this and other States and prepare a new law on revenue and taxation in conformity with the Constitution of the Commonwealth as heretofore adopted and thereafter amended. Said commission shall hold open sessions in different parts of the State, if deemed necessary, and grant hearings to taxpayers as may be demanded. Said commission shall have authority to examine the records of all State, county, city and town officials, for the purpose of securing information respecting the revenue and expenses of such taxing authorities and may require county, city and town assessors to supply information concerning the assessment of property and levying of taxes, in their respective localities, also rates, dates and such other information affecting taxation as may be necessary in framing a new revenue and taxation law.

The necessary expenses of said commission or its members in the actual performance of their duties, as herein provided for, shall be paid by the Commonwealth on the filing of sworn statements of same with the Governor, who is authorized to order their payment by the State Auditor, when approved by the Governor.

The commission is also authorized to employ an expert on taxation, who may also be the secretary of the commission, whose entire time shall be devoted to the question and whose compensation shall be at the rate of not exceeding two hundred and fifty dollars per month, dating from the organization of the commission and continuing until the commission shall have submitted the draft of a new revenue and taxation law to the Governor, which shall be within

eight calendar months from the date of its appointment and organization.

The commission is also authorized to employ a stenographer whose compensation shall not exceed sixty dollars per month and whose employment shall be for the same period as that of the secretary.

Said commission shall make a written or printed report of its work as well as a new law on revenue and taxation and with comprehensive reasons for changes from the present law and the probable income based on facts and figures to be clearly set forth in its report.

When the commission shall have performed its duties and delivered its report to the Governor, the latter shall decide as to the time the new revenue and taxation law shall be submitted to the General Assembly at a special session to be called for the consideration of this measure only or at the next ensuing regular session.

Ordered that said resolution lie on the Clerk's desk.

Mr. Duncan, of the Committee on Rules, called from the Committee on State Prisons and Houses of Reform and the Committee on Suffrage and Elections, bills of the following numbers, viz.: S. B. 302, and H. B. 554, which bills were reported by the chairmen of the respective committees as follows:

By Mr. Meyers, of the Committee on State Prisons and Houses of Reform:

S. B. 302. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became

a law on the 5th of March, 1898; and to repeal chapter 50 of the Acts of the General Assembly of 1912.

By Mr. Vance, of the Committee on Suffrage and Elections:

H. B. 554. An act to amend and re-enact subsection 2 of section 1596a, Kentucky Statutes (Carroll's 1915 edition) relating to the county board of election commissioners.

Said bills were severally read the first time at length, and ordered to be placed in the calendar.

The Committee on Rules called up for consideration from the orders of the day a bill of the following title, viz.:

H. B. 260. An act for the benefit of graded schools under special charters and having an endowment fund.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the trustees of any graded school districts created by a special act, and having a school fund other than that provided by general law may have the power and are hereby authorized and empowered to issue coupon bonds of such graded school district to a sum not exceeding fifty thousand dollars ($50,000.00), bearing interest from date of delivery, interest payable semi-annually at the rate of five per cent.

The proceeds of said bonds to be used for the purpose of erecting a high school in such district, or otherwise relieving the congestion now existing in the buildings and grounds of such graded school districts. Said bonds to be of the denomination of one hundred ($100) and five hundred ($500) dol-

lars at the discretion of the board of trustees, payable in twenty years, but with the privilege reserved by the district to pay same or any part thereof at the end of ten years; said bonds to be signed by the chairman of the board of trustees of said district and attested by the secretary alone, and may be attested by stencil signature.

Said bonds and coupons to be paid in the manner and at the time and place provided by the aforesaid board of trustees, but before said bonds or any of them are issued, the question as to the issual of same shall be submitted by the board of trustees of such graded school district to all the legal white voters of said district and the same shall not be issued unless two-thirds of all of the legal white voters in said district voting at said election shall vote in the affirmative upon the following question:

"Are you in favor of the issue of bonds not exceeding fifty thousand dollars ($50,000.00) by the trustees of this graded school district for the purpose of building and equipping a high school and in order to relieve the congestion now existing in the said graded school district, and to furnish reasonable accommodation and facilities to the teachers and pupils in said school district?"

Which is the sole question to be propounded to the voters at said election, and if two-thirds of all of the legal white voters voting at said election fail to vote for same, said bonds will not be issued, but said trustees shall have the privilege of submitting said question again any time after thirty days from the date of said election.

The said election shall be held at a reasonably convenient place or places to all of the legal voters in said district between the hours of 9 o'clock a. m. and 4 o'clock p. m. on the day named by the trustees and said board of trustees

shall give notice of said election and the place or places thereof, and the question to be submitted to the voters by two insertions in all of the papers published in said school district and by printed notices in at least thirty public places in said district for not less than fifteen days preceding the day of the election. The said board to appoint the officers of said election, who are to have the same qualifications as required by the general law of the State.

If said election results in two-thirds of those voting at the election for the issue of said bonds, it shall be the duty of the board of trustees to issue same, and, further, their duty to levy an annual tax of not exceeding twenty-five cents (25c) on each one hundred dollars ($100) for the erection and maintenance of said high school and to otherwise relieve the congestion hereinbefore set out. The details of the levy and collection of said tax to be left to the discretion of the board of trustees.

Whereas, there is such a congestion in the buildings and grounds in some of the graded schools referred to in this act, as greatly impairs the usefulness of said schools, an emergency is declared to exist, and this act is to take effect from and after its passage and approval.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler
H. F. S. Bailey
Geo. B. Barrett
C. H. Bays
G. G. Brashear
Frank J. Brown
W. H. Brown
Henry A. Cannon
A. S. Cooper
S. B. Coleman
W. P. Cropper
R. T. Crowe
H. C. Cummins
S. C. Dobbs
Jas. R. Dorman
Thomas A. Dover
W. E. Dowling
William Duffy
J. R. Durham
J. M. Elliston
L. L. Embrey
T. T. Gardner
Wm. Gearheart
W. G. Gooch
Frank C. Greene
C. H. Grimes
J. S. Hall
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
Chas. L. Hunter
R. B. Jackson
J. M. Johnson
T. R. Jones
W. H. Jones
Wm. J. Kuh
W. T. Lasley
Dr. J. E. Lilly
W. R. Lyon
Dr. C. W. Mathers
Jacob Metzger
S. Montgomery
John T. Murphy
E. B. McGlone
C. B. Nichols
S. Mazyck O'Brien
William A. Perry
Geo. L. Pickett
A. B. Pieratt
Harry P. Purnell
Richard Radcliffe
John T. Roach
Lewis Ryans
Joe Schneider
L. M. Smith
E. D. Smith
Adam Spahn
Thomas Spurrier
Ed. D. Stone
R. C. Tartar
J. H. Thompson
Robt. R. Treadway
F. C. Trivette
D. B. Tyra
J. W. Wall
Frank M. White
E. S. Wood
Louis E. Yewell
E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. Bailey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill entitled:

H. B. 401. An act to regulate the licensing of vehicles operating between two or more municipalities within the Commonwealth of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where any person or corporation owning or operating any vehicle plying the streets of any municipality within the Commonwealth of Kentucky has obtained a license to operate said vehicle in the municipality in which the owner resides or has his or its principal place of business, and has paid the fees and complied with the requirements required by said municipality, then said owner shall have the privilege of operating his said vehicle upon the streets of any other municipality or municipalities within this Commonwealth without the payment of any or additional license fee to any of the said other municipality or municipalities.

Mr. Metzger offered the following amendment to said bill, viz.:

Amend by adding the following:

"This act shall apply only to second class cities."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	C. H. Grimes	A. B. Pieratt
H. F. S. Bailey	J. S. Hall	W. A. Price
Geo. B. Barrett	W. C. G. Hobbs	J. D. Pumphrey
C. H. Bays	A. B. Holland	Harry P. Purnell
Chas. D. Bratcher	J. M. Howell	John T. Roach
G. G. Brashear	Chas. L. Hunter	Lewis Ryans
Frank J. Brown	R.B.Hutchcraft,Jr.	Joe Schneider
W. H. Brown	R. B. Jackson	L. M. Smith
E. Bullock	J. M. Johnson	E. D. Smith
R. A. Cook	T. R. Jones	Adam Spahn
A. S. Cooper	W. H. Jones	Thomas Spurrier
S. B. Coleman	Wm. J. Kuh	Ed. D. Stone
W. P. Cropper	W. T. Lasley	R. C. Tartar
H. C. Cummins	Dr. J. E. Lilly	J. H. Thompson
S. C. Dobbs	W. R. Lyon	F. C. Trivette
Jas. R. Dorman	Dr. C. W. Mathers	D. B. Tyra
Thomas A. Dover	Jacob Metzger	J. Wood Vance
W. E. Dowling	John T. Murphy	J. W. Wall
William Duffy	B. F. McAtee	Frank M. White
Odie Duncan	E. B. McGlone	J. D. Wills
J. R. Durham	L. T. Neat	M. O. Wilson
J. M. Elliston	C. B. Nichols	E. S. Wood
L. L. Embrey	S. Mazyck O'Brien	Louis E. Yewell
T. T. Gardner	A. J. Oliver	E. G. Young
W. G. Gooch	William A. Perry	
Frank C. Greene	Geo. L. Pickett	—76

Resolved, that the title thereof be as aforesaid.

Mr. Metzger moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

By the unanimous consent of the House, L. B. Hamilton was granted an indefinite leave of absence.

The Committee on Rules then called up for consideration from the orders of the day a bill entitled:

H. B. 156. An act authorizing J. W. Ray to sue the State of Kentucky.

Said bill reads as follows:

Whereas, in the year 1898 the Adams and American Express Companies by their presidents brought suits in the United States Circuit Court at Frankfort against Samuel H. Stone, then Auditor of the State, seeking to enjoin him and the State from collecting franchise taxes assessed against said two companies for past years since 1892, which said suits were delayed and in 1900 were revived against Gus G. Coulter, then Auditor, and including therein subsequent years' taxes assessed pending the litigation, and in such suits so revived John W. Ray, attorney, was employed to defend for the Auditor and the State of Kentucky, by the Auditor, Gus G. Coulter, and with the consent of the then acting Attorney General, Robert J. Breckinridge, and under such employment said Attorney Ray did present such defenses as could be made, and after having been defeated in the circuit court on proof taken in New York and the records, successfully prosecuted an appeal to the Circuit Court of Appeals at Cincinnati and there succeeded in obtaining a dismissal of such suits, as to some years for want of jurisdiction to sue the State, and as to some years dismissal because prematurely brought. For the year where dismissed for want of jurisdiction Ray has been fully paid for his services and claims nothing; and whereas subsequent suits were at once instituted by the same plaintiffs in the same court against the State Board of Valuation and Assessment, then composed

of S. W. Hager, Auditor; H. M. Bosworth, Treasurer, and H. V. McChesney, Secretary of State, for the years included in the former suits wherein the court had held to have been prematurely instituted, and also included in the latter suits subsequent years of taxes accruing since the former suit had been filed, all such cases seeking to defeat the State of Kentucky in its effort to collect taxes on the intangible property of such express companies, and especially attacking the validity of the law as well as the method of the assessment as provided by the law; and whereas, in these latter suits John W. Ray was employed by the then Auditor, S. W. Hager, acting for the board, and with the consent of the other members thereof as well as with the consent and on the recommendation of the then Attorney General, Napoleon B. Hays; and whereas, under such authority it appears from the record of the United States Court in Frankfort that said John W. Ray did represent said Board of Valuation in that litigation and was the sole representative of the State therein and filed all pleas and motions and so represented the interests of the State therein that in 1907 a judgment was rendered directing the amount ascertained to be due by said express companies for taxes for the several years to be paid into the State treasury; and whereas, it appears that the said express companies have long since paid into the treasury the sums so adjudged to be due in those suits in the United States Circuit Court in Frankfort; and whereas, it appears that said attorney, John W. Ray, has never been paid anything for his services in that litigation save his personal expenses of a trip to Maysville and one to Covington, Ky., in the defense of such cases; therefore in order to do justice to said attorney in the matter of his services:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Ray is hereby permitted to sue the

Commonwealth of Kentucky in the Franklin Circuit Court under the style of John W. Ray, plaintiff, against Robert L. Greene, Auditor, defendant, in order to determine and allow after hearing the proof as to the value of the services rendered in the above cases against the State Board of Valuation and Assessment as above set out, a reasonable fee to said Ray, not exceeding thirty per centum of the amount of taxes paid into the treasury by said express companies for the years in litigation and fixed by the judgment of the United States Circuit Court in those cases, for his services in representing the said board and the State of Kentucky in the above litigation, and when said judgment of the Franklin Circuit Court becomes final the Auditor is directed to issue to said Ray his warrant upon the Treasurer of the State of Kentucky for the amount of said judgment and the Treasurer is directed to pay said warrant out of any funds in his hands not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Mr. Gardner offered the following amendment to said bill, viz.:

Amend by striking out the following words, viz.:

"This act shall take effect from and after its passage."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey
Geo. B. Barrett
C. H. Bays
Chas. D. Bratcher
Frank J. Brown
W. H. Brown
E. Bullock
Henry A. Cannon
R. A. Cook
A. S. Cooper
W. P. Cropper
H. C. Cummins
S. C. Dobbs
Jas. R. Dorman
Thomas A. Dover
W. E. Dowling
William Duffy
J. R. Durham
J. M. Elliston
T. T. Gardner
Wm. Gearheart
W. G. Gooch
Frank C. Greene
C. H. Grimes
J. S. Hall
W. B. Harvey
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
Chas. L. Hunter
T. R. Jones
W. H. Jones
Wm. J. Kuh
Dr. J. E. Lilly
W. R. Lyon
Dr. C. W. Mathers
Jacob Metzger
S. Montgomery
John T. Murphy
B. F. McAtee
E. B. McGlone
W. J. McMurray
L. T. Neat
C. B. Nichols
S. Mazyck O'Brien
William A. Perry
Geo. L. Pickett
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
Richard Radcliffe
John T. Roach
Lewis Ryans
Joe Schneider
L. M. Smith
E. D. Smith
Claude B. Smith
Adam Spahn
Thomas Spurrier
Ed. D. Stone
R. C. Tartar
Robt. R. Treadway
F. C. Trivette
J. Wood Vance
J. W. Wall
Frank M. White
J. D. Wills
M. O. Wilson
E. S. Wood
Louis E. Yewell
E. G. Young

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There voted in the negative—

D. B. Tyra

—1

Resolved, that the title thereof be as aforesaid.

Mr. Gardner moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Price offered the following resolution, viz.:

Resolution providing for furnishing Kentucky directories.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian is hereby authorized and directed to purchase at not exceeding one dollar per copy, five hundred copies of the book entitled "Kentucky Directory, 1916," for the use of the courts, State and county officials and members of the General Assembly of Kentucky. The Librarian will furnish the members of the General Assembly and such officials as may be designated by the presiding officers of the respective Houses, a copy of the same and will furnish the State officials with copies thereof and send a copy thereof to the clerk of the county court of each county of the State, to be kept in his office. The Librarian will furnish to the Librarian of each State and Territory in the Union, a copy of said book in exchange for similar books from the said States and Territories and a copy to the Librarian of Congress.

§ 2. It being necessary that the officials should have the books herein provided for, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Said resolution was received, read and ordered to lie on the Clerk's desk.

Mr. Duncan, of the Harvey-Pumphrey Special Committee heretofore appointed pursuant to a resolution adopted by this House to hear evidence and report concerning charges and counter-charges made on the floor of the House by said Pumphrey and Harvey, offered the following report, viz.:

We the committee appointed under a resolution of this House to investigate the charges made by the Hon. J. D. Pumphrey against the Hon. W. B. Harvey and the counter-charges made by Mr. Harvey against Mr. Pumphrey on the floor of this House, find that these charges were made at a time of intense excitement and heated debate, the question under discussion being one of the hottest contested questions that has been before the House this session. Debate was at fever heat and personalities were engaged in that should not characterize parliamentary proceedings. It was under these conditions that the charges and counter-charges were made that resulted in the unfortunate occurrences. We feel sure that all regret that the unfortunate debate occurred. We have investigated the charges and are convinced that Mr. Harvey had no evil motives nor intentions and we exhonorate him of the charges.

In submitting this report, we the committee, wish to say that we have endeavored to act with fairness and justice to all concerned.

HARRY J. MEYERS,
ODIE DUNCAN,
D. S. RICHARDSON,
H. F. S. BAILEY,
JOHN T. ROACH,
RICHARD RADCLIFFE.

Mr. Duncan moved that said report be adopted, and that said committee be discharged.

Said report was adopted.

And said committee was discharged.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 143. An act to prevent any person interfering with the work of convicts outside of the walls of the penitentiary, and prohibiting any person from giving or furnishing to any such convict opium, cocaine, intoxicating liquors, any narcotic of any kind whatever, fire arms, weapons or explosives.

To the Committee on State Prisons and Houses of Reform.

S. B. 104. An act providing for the working of prisoners who are confined in the prisons, on State highways and bridges constructed by the Department of Public Roads; providing for the setting apart of a fund from the State road fund, to be used by the Department of Public Roads in building State roads and bridges with convict labor, and to enable said highway department to work said prisoners in the mining, quarrying ad manufacturing and preparation of material for building roads and bridges; providing aid and assistance to the Commissioner of Public Roads in the construction of State roads with convict labor and otherwise; providing for the assignment of prisoners to do State road work and for their supervision and management while so engaged; providing a method of payment for the roads so constructed out of the State road fund, and authorizing the Board of Prison Commssioners to provide means of employment for convicts while not engaged in working on public roads and bridges, and in the manufacturing, quarrying,

mining and preparation of road material; providing that the Board of Prison Commissioners may lease farms on which to work convicts, and providing compensation for all prisoners that may work under the supervision of the Board of Prison Commissioners.

To the Committee on State Prisons and Houses of Reform.

S. B. 162. An act to regulate the admission of attorneys to practice law.

To the Committee on Judiciary.

Mr. Duncan, of the Committee on Rules, called from the Committee on Education and the Committee on Alcoholic Liquor Traffic, bills of the following numbers, viz.:

S. B. 307 and S. B. 74, which bills were reported by the chairmen of the respective committees as follows:

By Mr. White, of the Committee on Education:

S. B. 307. An act to permit all graded common school districts to levy twenty-five cents on each one hundred dollars' worth of property in such district in addition to the amount that may be now levied, for the purpose of maintaining the school and erecting and repairing buildings.

By Mr. Barrett, of the Committee on Alcoholic Liquor Traffic:

S. B. 74. An act to regulate the shipment of intoxicating liquors into local option territory, and prohibiting any person from receiving in excess of a certain quantity of such liquors in said territory, and prohibiting the soliciting of

orders for such liquors in said territory and providing punishment therefor.

Said bills were severally read the first time at length and ordered to be placed in the calendar.

Mr. Duncan, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 451. An act creating and relating to the office of county road engineer in counties containing more than two hundred thousand population, and providing for his term of office, qualification, assistants and compensation, and repealing all laws in conflict herewith.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties of this Commonwealth, containing a population of over two hundred thousand, a county road engineer shall be elected by the fiscal court (whether it be composed of the justices of the peace of said county and the county judge, or three commissioners and the county judge), whose powers and duties shall be the same as the powers and duties of the county road engineers of other counties of this Commonwealth, as is provided in chapter 80 of the Acts of 1914; provided, that no one shall be elected county road engineer as hereinbefore provided, unless he shall be a college graduate, holding an engineering degree, and have practiced his profession for at least four years in responsible charge of work, or if not a college graduate, shall have practiced his profession for at least ten years, six years of which he shall have been in responsible charge of work. And provided further, that he shall take and pass the exami-

nation required of county road engineers of the other counties of this Commonwealth, as provided in chapter 80, of the Acts of 1914.

§ 2. Said County Road Engineer shall hold his office for a period of four years from the date of his election; provided, however, that the fiscal court is empowered to remove said engineer for inefficiency, incompetency, or for neglect of duty, after charges duly preferred and hearing given said engineer.

§ 3. Said County Road Engineer shall receive not less than $3,000.00 nor more than $4,000.00 per annum for his services, in the discretion of the body electing him.

§ 4. Said County Road Engineer shall be allowed assistants, inspectors, time-keepers and all other necessary help for the performance of his duties, which assistants, inspectors, time-keepers and all other necessary help, shall be appointed by the said County Road Engineer, with the advice and consent of the fiscal court; provided, that the total combined compensation of said County Road Engineer, his assistants, inspectors, time-keepers and all other necessary help, shall not exceed in any one year an amount equal to eight per cent. of the total expenditure for public work, under the supervision of said County Road Engineer, his assistants, inspectors, time-keepers and all other necessary help during said year.

§ 5. The salaries of said County Road Engineer, his assistants, inspectors, time-keepers and all other necessary help, shall be fixed subject to the provisions of this act, and allowed and appropriated by the fiscal court of such counties, and paid out of the county levy, as other moneys are paid by the county.

§ 6. Chapter XI, of the Acts of 1912, being section 4679b, of Kentucky Statutes, Carroll's edition 1915, and section 82 of chapter 80, of the Acts of 1914, being section 4356l, of Kentucky Statutes, Carroll's edition 1915, and all laws or parts of laws in conflict with this act are hereby repealed.

Mr. Kuh offered the following amendment to said bill, viz.:

House Bill 451 be amended by adding after the word "county" in the fifth line of section 5 on page 3 of the printed bill, the following, viz.:

"The county surveyor of such counties may be appointed engineer as contemplated in this act, provided he be eligible, but should the county surveyor not be appointed, the fiscal court or board of commissioners shall appropriate and pay the county surveyor a salary of not less than $3,000.00 per annum in lieu of all fees he might be entitled to receive by virtue of his office.

The yeas and nays being called for by Messrs. Duffy and O'Brien on the adoption of said amendment were as follows, viz.:

Those who voted in the affirmative were—

Geo. B. Barrett	W. G. Gooch	Harry J. Meyers
Frank J. Brown	Frank C. Greene	S. Montgomery
E. Bullock	C. H. Grimes	John T. Murphy
A. S. Cooper	J. S. Hall	B. F. McAtee
W. P. Cropper	A. B. Holland	E. B. McGlone
S. C. Dobbs	Chas. L. Hunter	W. J. McMurray
Thomas A. Dover	R.B.Hutchcraft,Jr.	L. T. Neat
J. R. Durham	J. M. Johnson	C. B. Nichols
J. M. Elliston	Wm. J. Kuh	A. J. Oliver
T. T. Gardner	Jacob Metzger	W. A. Price

E. D. Smith	Robt. R. Treadway	Frank M. White
Adam Spahn	F. C. Trivette	E. S. Wood
Thomas Spurrier	D. B. Tyra	Louis E. Yewell
Ed. D. Stone	J. W. Wall	—41

Those who voted in the negative were—

C. H. Bays	William Duffy	A. B. Pieratt
G. G. Brashear	W. C. G. Hobbs	Lewis Ryans
W. H. Brown	David J. Howard	L. M. Smith
Henry A. Cannon	J. M. Howell	Claude B. Smith
R. A. Cook	T. R. Jones	J. Wood Vance
S. B. Coleman	Dr. J. E. Lilly	J. D. Wills
H. C. Cummins	W. R. Lyon	M. O. Wilson
Jas. R. Dorman	S. Mazyck O'Brien	
W. E. Dowling	William A. Perry	—25

And so said amendment was adopted.

Mr. Bullock moved that said bill and all pending amendments thereto be laid on the table.

The yeas and nays being called for by Messrs. Duffy and Perry on said motion to table, were as follows, viz.:

Those who voted in the affirmative were—

Geo. B. Barrett	Chas. L. Hunter	John T. Roach
Frank J. Brown	R.B.Hutchcraft,Jr.	E. D. Smith
E. Bullock	W. H. Jones	Adam Spahn
W. P. Cropper	Wm. J. Kuh	Thomas Spurrier
S. C. Dobbs	Jacob Metzger	Ed. D. Stone
Thomas A. Dover	Harry J. Meyers	Robt. R. Treadway
J. R. Durham	S. Montgomery	F. C. Trivette
J. M. Elliston	John T. Murphy	D. B. Tyra
L. L. Embrey	E. B. McGlone	J. W. Wall
T. T. Gardner	W. J. McMurray	Frank M. White
Wm. Gearheart	L. T. Neat	J. D. Wills
C. H. Grimes	C. B. Nichols	E. S. Wood
J. S. Hall	A. J. Oliver	Louis E. Yewell
		—39

Those who voted in the negative were—

H. F. S. Bailey	William Duffy	S. Mazyck O'Brien
C. H. Bays	Odie Duncan	William A. Perry
G. G. Brashear	W. G. Gooch	Geo. L. Pickett
W. H. Brown	W. C. G. Hobbs	A. B. Pieratt
Henry A. Cannon	David J. Howard	Lewis Ryans
R. A. Cook	J. M. Howell	Joe Schneider
A. S. Cooper	R. B. Jackson	L. M. Smith
S. B. Coleman	T. R. Jones	Claude B. Smith
H. C. Cummins	Dr. J. E. Lilly	R. C. Tartar
Jas. R. Dorman	W. R. Lyon	M. O. Wilson
W. E. Dowling	Dr. C. W. Mathers	E. G. Young

—33

And so said motion was agreed to.

Mr. Bullock moved that the vote by which said bill and all pending amendments thereto was laid on the table be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Hobbs moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Duncan, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 334. An act to amend and re-enact section 1731, and to repeal section 1732 of article IV. of chapter 47, Kentucky Statutes, Carroll's edition, 1915, relating to fees that may be charged by county judges, city or police judges and justices of the peace.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1731, article IV. of chapter 47, Kentucky Statutes, Carroll's edition, 1915, be and the same is hereby amended and re-enacted so that when amended and re-enacted, the same will read as follows:

Section 1731. County Judges, City or Police Judges and Justices of the Peace—Fees that May be Charged by.—County judges, city or police judges and justices of the peace, for all services rendered in the quarterly courts, city or police courts, and justices' courts, so far as the same apply, when the jurisdiction is concurrent with the circuit courts, shall be entitled to charge and receive the same fees allowed by law to clerks of circuit courts for similar services, and for settling accounts of fiduciaries, county judges shall receive the same fees now allowed master commissioners of circuit courts for like services. In all cases or proceedings in said courts where amount in controversy, exclusive of interest and costs, is fifty dollars or under, and for certain other services rendered in the performance of other official duties hereinafter specified, the fees of county judges, city or police judges and justices of the peace, so far as the same apply, shall be:

For issuing each summons or warrant not hereinafter provided for, each order of attachment, order of injunction, order of delivery, or supersedeas	$0.25
For each copy thereof	.15
For entering return thereon	.10
For each subpoena for a witness or witnesses	.20
For each attachment of a witness or witnesses	.25
For each original judgment	.25
For recording same	.25
For each execution	.25

For each copy of a judgment or execution when ordered	.25
For each affidavit to procure an attachment, warrant of arrest in a civil case, order of delivery, or to prove a demand against a decedent's estate, if the justice prepares the affidavit	.25
For each distress warrant for rent	.25
For taking each recognizance	.25
For each order of arrest in a civil case	.25
For each copy thereof	.15
For filing a claim or appeal or any paper or pleading in a case, each	.10
For docketing a cause at each term	.05
For endorsing steps at each term	.05
For indexing each name of party to an action, proceeding or execution, to be charged once in each case	.05
For entering or noting of record in order book each order or direction of the court, for an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each	.20
For each copy thereof when ordered	.10
For taking each bond provided or required by law	.25
For each writ of habeas corpus	.50
For each peace warrant	.50
For presiding at final trial in misdemeanor cases	2.00
For each writ of forcible entry and detainer	.50
For presiding at and superintending trial of writ of forcible entry and detainer, per day	1.50
For each day's attendance of a justice as a member of the fiscal court, to be paid out of the county levy	4.00
For each day's actual attendance of a justice at the meetings of committees of the fiscal court, to be paid out of county levy	3.00
For swearing a person and giving a certificate thereof	.20

For issuing each county warrant upon certificate of the county engineer or order of fiscal court, and making office record of same, to be paid out of county levy..... .20

For certifying copy of judgment and amount of costs on appeal ..... .25

For taxing costs of each party or parties at each term when judgment for costs is rendered, or on final judgment ..... .10

For entering each witness' attendance and giving certificate thereof ..... .15

For each trial by a jury, including all services incident thereto in a civil case..... .60

For entering and giving a post notice of an estray, waif, boat, water craft or wreck..... .25

For order causing bulls, studs or jacks running at large to be altered..... .25

For order commanding owner of distempered cattle to confine them ..... .25

For copy of record certified, two cents for every twenty words.

For holding an inquest, when coroner cannot attend, a justice of the peace shall receive the same fees allowed a coroner. (Fee for holding examining court, see Sec. 353.)

§ 2. That section 1732, article IV. of chapter 47, Kentucky Statutes, Carroll's edition, 1915, be and the same is hereby repealed.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

The committee on County and City Courts offered the following amendment, by way of substitute therefor, to said bill, viz.:

Said substitute reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1731, article IV., of chapter 47, Kentucky Statutes, Carroll's edition, 1915, be and the same is hereby amended and re-enacted so that when amended and re-enacted the same will read as follows:

Section 1731. County Judges, City or Police Judges and Justices of the Peace—Fees That May be Charged by.—County judges, city or police judges and justices of the peace, for all services rendered in the quarterly courts, city or police courts and justices' courts, so far as the same apply, when the jurisdiction is concurrent with the circuit courts, shall be entitled to charge and receive the same fees allowed by law to clerks of circuit courts for similar services.

In all cases or proceedings in said courts where amount in controversy, exclusive of interest and costs, is fifty dollars or under, and for certain other services rendered in the performance of other official duties hereinafter specified, the fees of county judges, city or police judges and justices of the peace, so far as the same apply, shall be:

For issuing each summons or warrant not hereinafter provided for, each order of attachment, order of injunction, order of delivery, or supersedeas	$0.25
For each copy thereof	.15
For entering return thereon	.10
For each subpoena for a witness or witnesses	.20
For each attachment of a witness or witnesses	.25
For each original judgment	.25
For recording same	.25
For each execution	.25

For each copy of a judgment or execution, when ordered .25
For each affidavit to procure an attachment, warrant of arrest in a civil case, order of delivery, or to prove a demand against a decedent's estate, if the justice prepares the affidavit .25
For each distress warrant for rent .25
For taking each recognizance .25
For swearing a person and giving a certificate thereof .20
For each order of arrest in a civil case .25
For each copy thereof .15
For filing a claim or appeal or any paper or pleading in a case, each .10
For docketing a cause at each term .05
For endorsing steps at each term .05
For indexing each name of a party to an action, proceeding or execution, to be charged once in each case .05
For entering or noting of record in an order book each order or direction of the court, for an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each .20
For taking each bond provided or required by law .25
For each writ of habeas corpus .50
For each peace warrant .50
For presiding at final trial in misdemeanor cases 2.00
For each writ of forcible entry and detainer .50
For presiding at and superintending trial of writ of forcible entry and detainer, per day 1.50
For each day's actual attendance of a justice of the peace as a member of the fiscal court or at the meetings of the fiscal court, to be paid out of the county levy 3.00
For certifying copy of judgment and amount of costs on appeal .25
For taxing costs of each party or parties at each term when judgment for costs is rendered, or on final judgment .10

For entering each witness' attendance, and giving certificate thereof..... .15
For each trial by a jury, including all services incident thereto in a civil case..... .60
For entering and giving a post notice of an estray, waif boat, water-craft or wreck..... .25
For order causing bulls, studs or jacks running at large to be altered..... .25
For order commanding owner of distempered cattle to confine them..... .25
For copy of record certified, two cents for every twenty words.
For holding an inquest, when coroner cannot attend, a justice of the peace shall receive the same fees allowed a coroner. (Fee for holding examining court, see Sec. 353.)
For settling accounts of fiduciaries, county judges shall receive per day..... 1.50

§ 2. That section 1732, article IV. of chapter 47, Kentucky Statutes, Carroll's edition, 1915, be and the same is hereby repealed.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

And so said amendment, by way of substitute therefor, was agreed to.

Mr. Tartar offered the following amendment to said substitute, viz.:

Amend substitute House Bill 334, line 46, by adding: "For each copy 10c."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and as amended by way of substitute therefor, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. G. Gooch	Geo. L. Pickett
H. F. S. Bailey	Frank C. Greene	A. B. Pieratt
Geo. B. Barrett	C. H. Grimes	J. D. Pumphrey
C. H. Bays	W. C. G. Hobbs	Harry P. Purnell
Chas. D. Bratcher	A. B. Holland	John T. Roach
G. G. Brashear	David J. Howard	Lewis Ryans
Frank J. Brown	J. M. Howell	Joe Schneider
W. H. Brown	Chas. L. Hunter	L. M. Smith
E. Bullock	R.B.Hutchcraft,Jr.	E. D. Smith
Henry A. Cannon	R. B. Jackson	Claude B. Smith
A. S. Cooper	J. M. Johnson	Adam Spahn
S. B. Coleman	T. R. Jones	Ed. D. Stone
W. P. Cropper	W. H. Jones	R. C. Tartar
R. T. Crowe	Wm. J. Kuh	Robt. R. Treadway
H. C. Cummins	W. T. Lasley	F. C. Trivette
S. C. Dobbs	W. R. Lyon	J. Wood Vance
Jas. R. Dorman	Dr. C. W. Mathers	J. W. Wall
Odie Duncan	Jacob Metzger	M. O. Wilson
J. R. Durham	John T. Murphy	E. S. Wood
J. M. Elliston	B. F. McAtee	Louis E. Yewell
L. L. Embrey	W. J. McMurray	E. G. Young
T. T. Gardner	C. B. Nichols	
Wm. Gearheart	A. J. Oliver	—67

Those who voted in the negative were—

Dr. J. E. Lilly D. B. Tyra —2

Resolved, that the title thereof be as aforesaid.

Mr. F. J. Brown moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 309. An act to provide for collection of delinquent taxes in cities of the fourth class.

Mr. Barrett moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 7, 1916.

The House was opened with prayer by the Rev. Roger T. Nooe, Pastor of the Christian Church, of Frankfort, Kentucky.

The reading of the House Journal of yesterday was dispensed with.

The following bill was introduced, ordered printed, and referred as follows, viz.:

By Mr. Stone:

H. B. 558. An act to amend Chapter 25, Section 2, paragraph 2, of the said section of the Acts of 1912.

To the Committee on Suffrage and Election.

By the unanimous consent of the House the Hon. Zeb A. Stewart, ex-member of this House, was granted the privilege of the floor of this House.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 247. An act to amend Section 93 of the Civil Code of Practice.

To the Committee on Codes of Practice.

S. B. 86. An act entitled, "An act to amend Article 6a, Section 4426a, Sub-section 8, of the Kentucky Statutes, relating to county high schools, and being the same as Chapter 10, Section 125, of the School Laws of Kentucky.

To the Committee on Education.

S. B. 130. An act for the benefit of the Kentucky Institution for the Blind to provide for the education, training and employment of the blind of the Commonwealth.

To the Committee on Appropriations.

S. B. 175. An act to provide for the regulation and supervision of investment companies and providing penalties for the violation thereof.

To the Committee on Judiciary.

S. B. 345. An act relating to agricultural extension work and home economics; accepting the provisions of the act of Congress providing for co-operative agricultural extension work between agriculture colleges, which act was approved May 8, 1914; providing that such work shall be done under the directions of the Kentucky University, Lexington, Kentucky; changing the name of said university to University of Kentucky; amending and re-enacting Section 1, of Chapter 3, Acts of 1908; amending and re-enacting Section 15, Kentucky Statutes 1903; providing for the appointment of trustees of the University of Kentucky; creating an extension committee to have charge of extension work under the supervision of the University of Kentucky; providing for the election of an executive committee for the University of Kentucky; amending and re-enacting Section 13 of the act of March 21, 1906, creating the State Board of Agriculture, Forestry and Immigration; repealing Section 2 of an act for the benefit of the Department of Agriculture, Labor and Statistics, approved March 11, 1912; appropriating money for the University of Kentucky; providing for the establishment of a marketing bureau; authorizing the Fiscal Courts of the counties and the Boards of Education of counties to appropriate money for extension work, and amending and re-enacting Section 5 of an act for the benefit of the Department of Agriculture, approved March 21, 1906.

To the Committee on Agriculture.

Also that they had passed a bill which originated in the House of the following title, viz.:

H. B. 145. An act to permit corporations organized for the purpose of transacting the business of life or casualty insurance, or both life and casualty insurance, upon the co-

operative or assessment plan, to reincorporate as life insurance companies on the mutual or stock plan; and providing means whereby, and the conditions on which, such reincorporation may be effected.

Mr. Perry called up for consideration from the clerk's desk a resolution of the following title, viz.:

H. Res. 19. Resolution authorizing the Governor to appoint the members of a commission to be known as the Kentucky Tax Commission and prescribing the manner in which said commission shall proceed.

(For said resolution see House Journal of March 6th.)

Mr. Roach offered the following amendment to said resolution, viz.:

Amend said resolution by striking out two members from House and Senate, and inserting in lieu thereof, three members of the House and Senate to be appointed by the Speakers of those respective bodies.

Said amendment was disagreed to.

Mr. Radcliffe moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. C. G. Hobbs	Geo. L. Pickett
H. F. S. Bailey	Chas. L. Hunter	W. A. Price
Frank J. Brown	R.B.Hutchcraft,Jr.	J. D. Pumphrey
S. B. Coleman	H. Clay Kauffman	Richard Radcliffe
W. P. Cropper	Wm. J. Kuh	Joe Schneider
R. T. Crowe	W. T. Lasley	L. M. Smith
H. C. Cummins	Dr. J. E. Lilly	E. D. Smith
Jas. R. Dorman	Claude D. Minor	Claude B. Smith
W. E. Dowling	John T. Murphy	John W. Snider
William Duffy	B. F. McAtee	Adam Spahn
Odie Duncan	C. B. Nichols	J. Wood Vance
J. R. Durham	S. Mazyck O'Brien	E. G. Young
J. M. Elliston	William A. Perry	—38

Those who voted in the negative were—

C. H. Bays	A. B. Holland	John T. Roach
Chas. D. Bratcher	David J. Howard	Lewis Ryans
G. G. Brashear	R. B. Jackson	Thomas Spurrier
W. H. Brown	J. M. Johnson	Ed. D. Stone
Henry A. Cannon	T. R. Jones	R. C. Tartar
A. S. Cooper	W. H. Jones	J. H. Thompson
James S. Cruse	M. E. Lee	Robt. R. Treadway
S. C. Dobbs	W. R. Lyon	F. C. Trivette
Thomas A. Dover	Dr. C. W. Mathers	J. W. Wall
L. L. Embrey	Jacob Metzger	John S. Webb
T. T. Gardner	S. Montgomery	W. M. Webb
Wm. Gearheart	G. B. Moores	Frank M. White
Frank C. Greene	W. J. McMurray	J. D. Wills
C. H. Grimes	L. T. Neat	M. O. Wilson
J. S. Hall	A. J. Oliver	E. S. Wood
L. B. Hamilton	A. B. Pieratt	
W. B. Harvey	Harry P. Purnell	—49

And so said resolution was rejected.

Mr. W. M. Webb moved that the vote by which the said resolution was refused be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Greene offered the following resolution, viz.:

Resolution directing the Rules Committee in offering measures to the House for vote:

Whereas, A full attendance of the Rules Committee can not be secured at each meeting thereof; and

Whereas, A majority of the members present and voting, when said Rules Committee is in session with quorum for transaction of business, should determine whether or not a measure shall be reported;

Be it resolved by the House of Representatives of Kentucky:

That the Rules Committee now acting are directed and empowered, while sitting to consider the report of measures to the House of Representatives for consideration and vote, from the calendar, upon any measure proposed by any member before said Rules Committee, for consideration and report to this House, receiving a majority of the votes present and voting, reported and placed upon the board for consideration by the House.

Mr. Radcliffe moved that said resolution be referred to the Committee on Rules.

Said motion was agreed to.

The House then took up for consideration the unfinished business of yesterday, viz.:

H. B. 309. An act to provide for collection of delinquent taxes in cities of the fourth class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3544, Kentucky Statutes, Carroll's Edition, 1903, be and the same is hereby repealed, and in lieu thereof it is enacted as follows:

§ 1. That tax receipts, except as herein provided, shall be turned over to the Collector or Treasurer, as may be provided for by ordinance, who shall receipt to the clerk for same, and shall, within ten days after receipt of same, and before the first day of July, and ten days before September first, in each year, give notice, by printed notice, posted for ten days in ten public places in said city, or by such notice for ten days in a newspaper, to be designated by the Council, that the taxes for the current year are in his hands for collection, and are due, and that in default of payment on or before November first, the penalty prescribed by ordinances shall be attached. Said receipts shall be endorsed by the Collector or Treasurer, and all receipts remaining in his hands on the first day of November in each year, unpaid, shall be endorsed by him "delinquent," and returned to the City Clerk, and such receipts found in such tax list returned by said clerk to be unpaid shall be credited to the Collector or Treasurer on his receipt. The City Clerk shall thereupon proceed to attach a penalty prescribed by ordinances to each tax receipt, not exceeding twenty-five per centum penalty and

interest as may be provided by ordinance, and then deliver same to the Collector, taking his receipt therefor.

§ 2. On receipt of the tax receipts with penalty and interest attached the Collector or Treasurer is hereby empowered to distrain sufficient personal property of such delinquent, if found in the city, to satisfy all taxes, penalties and interest due.

§ 3. If a sufficient amount of personal property be not found, then the Collector or Treasurer will levy on a sufficient amount of the delinquent's real property for that purpose. If no real property be found belonging to the delinquent, the Collector or Treasurer shall levy on any real estate owned by the delinquent at the time of assessment for the taxes, or a sufficient amount to satisfy the taxes, costs, and penalties due. If the Collector or Treasurer makes illegal or unreasonable seizure or levy for taxes, he shall be liable in damage to the party aggrieved.

§ 4. The Collector or Treasurer shall sell for cash any property belonging to the delinquent taxpayer so levied upon or as much thereof as will pay the taxes due, penalties, interest and costs, in the same manner that property is sold under execution, except that same shall be sold at the city hall and except that the real estate shall not be valued, and shall be advertised by posting, for fifteen days before the sale, a written or printed notice at the city hall, and by publication once a week for four consecutive weeks prior to the day of sale in a newspaper published within the city, if there be one in the city; if not, then by printed handbills posted for fifteen days before the sale at the city hall and in three or more conspicuous places in the city; and he shall, not less than fifteen days before the sale, mail to the delinquent a postal card addressed to his place of residence or place of business, if such can be ascertained, notifying him of the time and place of sale;

and in order to cover the cost of such advertisement and notification the Collector or Treasurer shall have one dollar for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the city.

§ 5. When real estate is sold for taxes if no one will bid for and purchase such real estate at the amount of tax, interest, penalty and costs, including the cost for advertising, it shall be the duty of the Collector or Treasurer to purchase the same for the city for the amount of tax due, interest, penalty and costs, and he shall make return to the City Clerk of all sums collected.

§ 6. The owner of such real estate, his representatives, heirs, or assigns shall have the right to redeem the same from the city, or any other purchaser at any time within two years after the day of sale, by paying the purchase money, with interest at the rate of ten per cent. per annum, and in addition fifteen per cent. of the penalty upon the total amount of the purchase price and amount of all costs.

§ 7. The purchaser, whether the city or another, shall have the right to possession of the real estate purchased by them at any time after the expiration of sixty days from the giving of the notice of such purchase, hereinafter provided for.

§ 8. Within twenty days after the sale, the Collector or Treasurer shall make report in writing to the County Clerk of the county wherein said city is located, showing when the sale was made, the steps taken by him with reference thereto prior to and at the sale, to whom sold, at what price the real estate was sold, giving a description of the property sold as fully as he is able to do, which report shall be recorded and indexed by the County Clerk in the book provided by him for recording the Sheriff's reports of tax sales. Said

report, when recorded, shall operate as a conveyance and vest the title to the property of all persons "*sui juris*" in the city when purchased by the city, and in the purchaser when purchased by an individual, firm or corporation, and shall be constructive notice to the world as to the claim existing in favor of the purchaser, whether the city or an individual, against the real estate of persons laboring under no legal disability. If said real estate so entered is redeemed within the two years by the owner thereof the purchaser shall mark on the margin in a space left for that purpose the word "redeem," with the date and his signature. The County Clerk shall have a fee of fifty cents for each entry so made and twenty-five cents for each redemption.

§ 9. If the Collector or Treasurer fails to make the return of sale to the County Clerk heretofore provided for, any individual purchaser may file with the County Clerk the Collector's or Treasurer's certificate of purchase, which the clerk shall record and index in the book aforesaid, and the same shall have the same effect as the Collctor's or Treasurer's report would have had if returned.

§ 10. In case the property is purchased by the city at such sale, the City Clerk is hereby empowered to collect from and receipt to the delinquent for the amount of the tax with penalty and costs.

§ 11. In case property is purchased by the Collector or Treasurer for the city at said sale, it shall be the duty of the City Attorney of said city to notify the owner of the real estate so purchased by the city of such purchase; it shall be the duty of any purchaser other than the city within thirty days after the sale to give notice in writing to the owner of the real estate purchased by him of such purchase.

§ 12. If the real estate be not redeemed within the two

years allowed for that purpose, the fee simple title thereto shall vest absolutely in the city or individual who has purchased same.

§ 13. Any minor or other person laboring under legal disability, except a lunatic or married woman, at the date of sale shall have one year after the removal of the disability within which to redeem such property, which may be done by paying the purchase money, with fifteen per centum on the amount thereof, and interest at the rate of ten per centum per annum from the date of the sale, and the costs of the sale. But any purchaser, other than the city, shall forfeit his right to his purchase, unless within six months after the Collector or Treasurer shall have delivered to him a certificate of his purchase hereinafter provided for, he shall, in writing, give notice of his purchase to both husband and wife, in case the purchase be of the real estate of a married woman, or to the statutory guardian of an infant, if there be one; if not, to the parent; if none, to the persons having in charge such infant, if the purchase be of the real estate of an infant; or to the committee of the lunatic, if one; if none, then the person having charge of such lunatic, if the purchase be of the real estate of a lunatic. If the real estate of a lunatic or married woman be not redeemed within five years from the reception of the notice, the sale shall become absolute.

§ 14. The Collector or Treasurer shall, within thirty days after the sale, issue certificates of purchase describing the real estate and stating the time of sale and the price for which said real estate sold, to all purchasers thereof.

§ 15. All conveyances of real estate sold for taxes shall be made by the Collector or Treasurer in the name of the city and of the owner to the person entitled thereto. When the right to redeem shall have expired, the Collector or Treasurer then in office shall convey to the purchaser, the city or

another, the property described in his certificate of purchase, for which deed he shall be allowed a fee of one dollar and fifty cents, to be paid by the grantee in the deed.

§ 16. The Board of Council may order suit to be instituted for the collection and enforcement of any delinquent tax bill and lien therefor. All suits for taxes on realty shall be brought in the Circuit Court of the county wherein the city is located and be enforced as other liens are enforced, and all suits for taxes on personalty may be brought in the police court of the respective city, and in all such suits the production of the tax bill shall be prima facie evidence of the correctness thereof, and that all proper steps were taken to fix the lien therefor.

§ 17. All other acts or part of acts in conflict herewith are hereby repealed, but this act is not to go in force and effect until on and after the first day of January, nineteen hundred and eighteen.

Mr. L. M. Smith offered the following amendment to said bill, viz.:

Amendment to H. B. 309:

Sec. 16a. Provided, that any and all duties imposed upon, and authority or power given to, or restrictions or prohibitions placed around and upon the Board of Council in the foregoing sections of this act, shall be exercised by and be imposed upon the commissioners of any city of the fourth class now or hereafter operating under a commission form of government, as provided by Section 3606b, 1915 Kentucky Statutes."

Said amendment was agreed to.

Mr. T. R. Jones moved that the session be extended until the matter under consideration is disposed of.

Said motion was agreed to.

Ordered that said House Bill 309 be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title, and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	L. B. Hamilton	A. J. Oliver
H. F. S. Bailey	W. B. Harvey	William A. Perry
C. H. Bays	David J. Howard	Geo. L. Pickett
Chas. D. Bratcher	R.B.Hutchcraft,Jr.	A. B. Pieratt
G. G. Brashear	R. B. Jackson	W. A. Price
Frank J. Brown	J. M. Johnson	Harry P. Purnell
W. H. Brown	T. R. Jones	Richard Radcliffe
R. A. Cook	W. H. Jones	John T. Roach
A. S. Cooper	H. Clay Kauffman	Lewis Ryans
S. B. Coleman	W. R. Lyon	L. M. Smith
W. P. Cropper	Dr. C. W. Mathers	John W. Snider
James S. Cruse	Jacob Metzger	Adam Spahn
H. C. Cummins	Claude D. Minor	Thomas Spurrier
Jas. R. Dorman	G. B. Moores	Ed. D. Stone
Thomas A. Dover	John T. Murphy	R. C. Tartar
William Duffy	B. F. McAtee	J. H. Thompson
J. R. Durham	W. J. McMurray	Robt. R. Treadway
J. M. Elliston	L. T. Neat	F. C. Trivette
T. T. Gardner	C. B. Nichols	J. W. Wall
W. G. Gooch	S. Mazyck O'Brien	John S. Webb

W. M. Webb	M. O. Wilson	E. G. Young
Frank M. White	E. S. Wood	
J. D. Wills	Louis E. Yewell	—67

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Duffy, of the Committee on Rules, called from the Committee on Insurance, Fire and Marine, the Committee on Criminal Law, the Committee on Redistricting, Congressional, the Committee on Education, the Committee on Redistricting, Judicial, and the Committee on Railroads, bills of the following numbers, viz.: S. B. 322, S. B. 316, H. B. 556, H. B. 486, ———, and H. B. 552, which bills were reported by the chairmen of the respective committees as follows:

By Mr. Greene, of the Committee on Insurance, Fire and Marine:

S. B. 322. An act creating the State Insurance Board to supervise the operation of fire insurance rate, making bureaus and providing for their examination, prohibiting rebating and discrimination in fixing and collecting fire insurance rates; requiring companies to maintain and co-operate in maintaining and operating rate making bureaus, requiring inspection and survey by such bureaus of all risks specifically rated, and regulating agreements between insurance companies and their insurers with respect to fixing and collecting fire insurance rates; prescribing the powers of fire insurance companies; providing for agents' license and qualifications; protecting against fire insurance in unauthorized companies;

providing for the prevention of fire waste and for the establishment of the office of State Fire Marshal, fixing salaries and expenditures and prescribing duties; prohibiting over-insurances; providing for, organizing and regulating certain kinds of insurance upon the mutual, reciprocal or inter-insurance plan, empowering corporations to participate therein; providing penalties for violation; providing conditions under which insurance may be effected upon the Lloyd's plan, and penalty for violation thereof, and repealing existing statutes.

By Mr. Howard, of the Committee on Criminal Law:

S. B. 316. An act in relation to pandering; to define and prohibit the same; to provide for the punishment thereof; for the competency of certain evidence at, and the venue of the trial thereof.

By Mr. Bailey, of the Committee on Redistricting, Congressional:

H. B. 556. An act to amend and re-enact Chapter 23a, Section 418a, Kentucky Statutes, Carroll's Edition, 1915, which is an Act of 1912, dividing the State of Kentucky into eleven Congressional districts.

By Mr. White, of the Committee on Education:

H. B. 486. An act to provide for the compulsory education of deaf mutes, and providing penalties for a violation thereof.

By Mr. Pickett, of the Committee on Railroads:

H. B. 552. An act to amend an act entitled, "An act to make it unlawful for any common carrier of passengers in this State to issue or give, and for any person to accept or

use, or attempt to use, except as provided in this act, any free pass or free transportation; and requiring such carriers to file in the office of the Attorney General verified reports of free passes or free transportation issued, and prescribing penalties for violations of its provisions," and enacted by the Kentucky Legislature of 1916 and approved February 10, 1916.

Said bills were severally read the first time at length, and ordered to be placed in the calendar.

The House then took up for consideration from the calendar bills of the following titles, viz.:

S. B. 237. An act to amend an act relating to the establishment protecting and building of levees, for the public benefit, approved March 17, 1914.

H. B. 547. An act to provide for the taxation of mortgage of real property.

S. B. 191. An act authorizing the acceptance of gifts and trusts regarding education by boards of education, and regulating their administration.

S. B. 160. An act providing for the securing of a separate farm for a house of reform for girls; and providing for the management thereof.

S. B. 231. An act to amend Section 3462 of Subdivision IX., of Article IV., of Chapter 89, of Kentucky Statutes, Carroll's Edition, 1915, being a part of the act of June 14, 1893, relating to the government of cities of the third class and providing for a system of public schools and the election, qualification, term of office, meetings and quorum of the boards of education of said cities of the third class.

H. B. 543. An act repealing the charter of Fairview, incorporated under act February 6, 1846.

S. B. 27. An act to regulate the licensing of vehicles operating between two or more municipalities within the Commonwealth of Kentucky.

S. B. 302. An act to amend an act entitled, "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law on the 5th of March, 1898; and to repeal Chapter 50 of the Acts of the General Assembly of 1912.

H. B. 554. An act to amend and re-enact Sub-section 2 of Section 1596a, Kentucky Statutes (Carroll's 1916 Edition), relating to the County Board of Election Commissioners.

S. B. 307. An act to permit all graded common school districts to levy twenty-five cents on each one hundred dollars' worth of property in such district in addition to the amount that may be now levied, for the purpose of maintaining the school and erecting and repairing buildings.

S. B. 74. An act to regulate the shipment of intoxicating liquors into local option territory, and prohibiting any person from receiving in excess of a certain quantity of such liquors in said territory, and prohibiting the soliciting of orders for such liquors in said territory and providing punishment therefor.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were read the second time by their titles, and ordered to be placed in the orders of the day.

And then the House adjourned.

AFTERNOON SESSION.

At 2 o'clock the House reconvened.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a bill of the following title, viz.:

H. B. 2. An act to promote pure elections, primaries and conventions, and to prevent corrupt practice in the same; to limit the expenses of candidates; to prescribe the duties of candidates and providing penalties and remedies for violations and declaring void, under certain conditions, elections in which these provisions or any of them have been violated.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and was found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said bill.

Ordered that the enrolling clerk deliver said bill to the Senate.

After a time the enrolling clerk delivered the original bill which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bill which originated in the House and which has been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

By the unanimous consent of the House the Hon. Frank Edmonds, ex-member of the House, was granted the privilege of the floor.

A message was received from the Senate announcing that they had passed bills originating in that body of the following titles, viz.:

S. B. 347. An act to protect railroad companies in the use and enjoyment of their rights of way by forbidding the condemnation thereof for other purposes.

To the Committee on Rules.

S. B. 158. An act to require street car companies and others operating street cars upon the streets of any city of the first class in the Commonwealth, to furnish separate cars or divisions of cars, or other suitable provisions for the separation of white and colored passengers, and providing punishment for violations hereof.

To the Committee on Municipalities.

Also that they had passed resolutions originating in that body of the following titles, viz.:

S. Res. 20. Joint resolution providing for payment of assistant for the Printing Commissioner.

To the Committee on Appropriations.

S. Res. 18. Resolution for the benefit of J. W. Hedden.

To the Committee on Appropriations.

Mr. Duffy, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 307. An act to amend and re-enact Sections 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, of the Kentucky Statutes relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways, and thoroughfares in cities of the fourth class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3562 of the Kentucky Statutes be, and the same is hereby amended and re-enacted to read as follows:

Section 3562. The board of council shall have and exercise exclusive control and power over the streets, roadways, sidewalks, alleys, landings, wharves, public grounds and highways of the city; to establish, open, alter, widen, extend, close, grade, pave, repave, clean and keep in repair the same; to prevent and remove all encroachments thereon or obstruction thereof; to put drains and sewers in the same, and to regulate and prohibit the building of vaults and areas under sidewalks, to enforce and regulate connection with sewer, gas and water mains and conduits of all kinds laid in or under the streets and highways of the city for any purpose. The board of council may, by ordinance, prescribe certain sprinkling districts and have the streets and avenues thereof sprinkled by the lowest and best bidder, assessing the cost thereof against the adjoining property per foot.

Upon the adoption of an ordinance by the board of council authorizing and directing the closing of the whole or any portion of a street or alley or other public highway within the limits or jurisdiction of the city, it shall be the duty of the City Attorney to institute an action in the Circuit Court

for the purpose of having the same closed, and to such action all the owners of ground in the squares or lots divided by such street, alley or highway, or the portion thereof proposed to be closed, shall be made defendants; and if all such defendants are competent to act for themselves and fail to object to the closing prayed for, then the court shall render a decree accordingly; but if any of said defendants object, or are under disability other than coverture, the court shall empanel a jury, which shall hear evidence and determine the amount of compensation in the form of damages to be paid to each of such defendants. The court shall thereupon direct that said street, alley or other highway be closed upon payment to each of such defendants of the amount of damages awarded to him, or, if any defendant refuses to accept such payment, or be for any reason, unable to do so, upon payment into court of the amount awarded such defendant or defendants, it shall be the duty of the court to give such proceedings precedence over other cases.

When any parcel of grounds shall have heretofore been, or shall hereafter be, laid off as a street, avenue or alley, and opened to the unrestricted use of the general public for five consecutive years, it shall be conclusively presumed to have been dedicated to the city as a public street, avenue or alley of the city, subject, however, to acceptance by the city, and the city may, at any time after the expiration of five years from the time such parcel of ground is laid off and opened to the public, pass an ordinance declaring such parcel of ground to have been so dedicated, and accepting the dedication thereof; whereupon it shall become and be a public street, avenue or alley of the city for all purposes, and the lack of an actual dedication thereof to the city, or of a record title thereto on the part of the city, shall be no defense against the collection of any tax which may be assessed and levied against property abutting thereon for the payment of the cost of any improvement constructed thereon by order of the city.

Provided: That nothing herein shall be construed to require the expiration of five years to raise such presumption of dedication in any case where, under any rule of law now in force in this State, a dedication would be presumed in less than five years.

§ 2. That Sections 3563, 3564, 3565, 3566, 3567, 3568, 3569, of the Kentucky Statutes, be and the same are amended and re-enacted to read as follows:

Section 3563. The board of council may, by ordinance, provide for the improvement of streets, alleys and other public ways and sidewalks (including curbing and guttering), or parts thereof, in the manner herein set out. The improvement of any public way or sidewalk by original or reconstruction or by resurfacing upon a foundation already in place, shall be deemed an improvement within the provisions of this act. An ordinance for improvement of any public street or sidewalk as contemplated in this section shall have two readings before the board of council and ten days shall intervene between the first and second readings. The improvement of public ways and sidewalks (including curbing and guttering) except as hereinafter provided, shall be made at the exclusive cost of the owners of real estate abutting on such improvement, to be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet, and a tax shall be levied upon such lots or parcels of real estate for the payment of the cost assessed thereon, which tax shall be due and payable at the City Treasurer's office upon the completion of the work and acceptance thereof by the board of council, unless otherwise provided in the ordinance ordering such improvement, and no property shall be exempt from such improvement tax. Any such tax which is not paid within thirty days after the same becomes due, shall have added thereto a penalty of ten per cent. of the amount of the tax. There

shall be a lien upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall bear interest at the rate of six per cent. per annum from the time of the assessment until paid. Any assessment for any street improvement as provided in this section which exceeds one-half of the value of the lots or parcels of real estate upon which the assessment is made shall be void as to such excess, but the improvement shall be taken into consideration in fixing the value of such real estate and the board of council shall provide for the payment of such excess out of the general fund. When in any such city, having therein a street railway, and the railway company is required by its franchise, or by any contract with the city, to pave or improve any part of the streets or alleys of the city, proposed to be improved, the cost of paving such portion of such streets or alleys shall be assessed against such railway company and a tax shall be levied upon all property, assets and franchises of such company in the city for the payment thereof. Such tax shall constitute a first lien upon all property, assets and franchises of all kinds whatsoever, of such company within the corporate limits of the city, and shall be due and payable at the same time and in the same manner, and shall bear like interest as the taxes assessed against the abutting property. Such railway company shall have the right to construct its own part of such proposed improvement; and, if it shall do so, no tax shall be assessed against such company; provided, however, that such company shall, before the letting of the contract for such improvement, elect by written request presented to the board of council, to construct its part of such improvement, and shall execute a bond to the city with good and sufficient surety, to be approved by the Mayor, conditioned that it will do the work of improving such part of the street with such material and according to such plans and specifications, and within such time and subject to such provisions as the ordinance therefor may pre-

scribe. The city shall pay the cost of the improvement of intersections with other public ways, including one-half of the width of the street or alley, being improved, opposite other streets or alleys which run into, but do not cross the street or alley so being improved, and of that proportion of any street abutting upon property belonging to the city, and shall pay the cost of all improvements where the abutting owner is a public school, cemetery, county, State or United States.

The City Treasurer shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes as provided in this section, showing the name and portion of the street in which the improvement is made, the character of the improvement and the names of the persons against whose property the assessments are made. Such record shall be subject to inspection by any person desiring to inspect the same, and shall be conclusive evidence of notice, to all persons, of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. All local taxes paid into the city treasury shall, from time to time, be paid over to the contractor or other person entitled thereto, upon order of the board of council. The Treasurer shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and no proceeds arising from assessment for one improvement shall be diverted to the payment for any other improvement whatever. The proceeds shall in each case constitute a separate special fund for the payment of the contractor for the particular work for which the assessment is made or for the security and payment of improvement bonds, if any are issued, ar provided in Section 3577 for such improvement. The board of council of any city of the fourth class may provide by general ordinance that such

city shall pay part, and if so, what part of the cost of the improvement of the streets, alleys and other public ways (excluding sidewalks), of such city. When such provision is made it shall be uniform and shall thereafter apply to the improvement of all streets, alleys and public ways in the city (excluding sidewalks), and such general provisions shall not thereafter be changed or repealed except at intervals of ten years or more.

§ 3. That Section 3570 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

Section 3570. Before the board of council shall order the improvement of any street, alley, public way or sidewalk as provided in Section 3563 it shall adopt a resolution designating the street or public ways or sidewalks proposed to be improved, setting out in general terms the character and extent of the proposed improvement and declaring such improvement to be a necessity. Such resolution shall be published in one or more issues of a newspaper published in the county in which such city is located, if any, and if there be no paper published in said county, then in some paper which circulates in said city, at least thirty days before the ordinance ordering such improvement shall pass the board of council. At any time prior to the final passage of the ordinance ordering the improvement, the owner of more than fifty per cent. of the abutting property may file a written petition designating the material to be used in the construction of that part of the improvement for the cost of which the abutting property would be liable, or may file a written protest against the improvement. Such petition or protest shall be filed with the Mayor and he shall transmit the same to the board of council at its next meeting after he receives the same. Should such petition be filed as above provided, the improvement of that part of the street for the cost of which the abutting property is liable shall not be made with any other material than

that designated in the petition unless the ordinance therefor be passed by a two-third vote of the members-elect of the council. Should a written protest be filed against said improvement as above provided, the improvement shall not be made unless the ordinance therefor be passed by a two-third vote of the members-elect of the council.

§ 4. That Sections 3571 and 3572 of the Kentucky Statutes be, and the same are amended and re-enacted to read as follows:

Section 3571. Subject to the provisions of the preceding section, the board of council shall have full power to determine what streets, alleys, public ways or sidewalks (including curbing and guttering) or parts thereof shall be improved, the extent and character of the improvement, the kind of material or materials to be used and the necessity for the improvement, and its determination shall be final. It shall have power to let contracts for the work, provided that no such contract shall be let except upon competitive bidding to the lowest and best bidder, after advertisement for two consecutive weeks in some newspaper published in the county in which said city is located, if any, and if there be no paper published in said county then in some paper which circulates in said city. It may require cash deposits or other guarantee from bidders to insure compliance with their bids and forfeiture of same to the city in the event the accepted bidder fails to comply with his bid. It may require bond of the contractor, with surety, for the performance of the work in accordance with his contract and a guarantee of the work for such time as the board of council may require, and it shall have power to do all things necessary to the proper execution and carrying out of any such improvement whether specifically enumerated herein or not. The board of council may prescribe one kind of material to be used in the improvement of that part of any street for the cost of which any railway

company may be liable, and different material or materials for the improvement of the other portions of such street, and all courts will give a liberal construction to the rights and powers of the board of council under this act.

§ 5. That Section 3573 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

Section 3573. When any such improvement shall have been made and the contract therefor completed, the city engineer shall make a full and correct estimate of the total cost thereof, showing the total number of fronting or abutting feet of property, the cost per abutting foot, the names of the abutting property owners, the number of abutting feet of property owned by each person and the proportionate part of the cost of the improvement to be assessed against the property of each abutting property owner, the part payable by the city and the part payable by any street railway company, if any. One copy of this estimate shall be delivered by the city engineer to the chairman of the street committee of the board of council and another copy to the Mayor, to be, by him, transmitted to the board of council. Upon receipt of such copy from the city engineer, the chairman of the street committee shall, by notice by one insertion in a newspaper published in the county in which said city is located, if any, and if no newspaper is published in said county then in a newspaper which circulates in said city, give at least three days' notice of the time and place fixed by it for the inspection and reception of the work, which notice shall state the cost per abutting foot of property as shown by the engineer's estimate and the amount apportioned to any railway company. No other notice shall be necessary. At the time and place fixed in said notice, the street committee of the board of council shall inspect the work, and the owners of property liable for the cost of the improvement, the contractor therefor, their agents and representatives may appear and be heard before

said street committee as to whether the work had been done and the cost thereof estimated in accordance with the ordinance and contract therefor. The street committee may adjourn such hearing and inspection from time to time, and of such adjournment all interested parties shall take notice without further publication of notice. Any protest against the acceptance of the improvement or the estimated cost thereof shall be made in writing to the committee, and be transmitted by said committee to the council, together with a written report of the committee accepting or rejecting the work accordingly as it may be of opinion that the work had or had not been done and the cost thereof estimated in accordance with the ordinance and contract therefor.

§ 6. That Section 3574 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

Section 3574. Upon receipt of the engineer's estimate and the report of the street committee, as provided in the preceding section, the board of council shall carefully consider and investigate any protests which may have been filed against the acceptance of the work or the confirmation of the engineer's estimate of the cost thereof, and shall hear any competent and proper evidence which may be offered thereon prior to the acceptance of the work and confirmation of the estimate, and the board of council may then accept the work and confirm the engineer's estimate of the cost thereof, or, if it be of opinion that the work had not been done in accordance with the contract, or that the engineer's estimate of the cost is incorrect, it may require the contractor to perfect or complete the work in accordance with the contract, or it may modify the estimate of the cost of the work to conform to the facts, or both. The determination of the board of council shall be conclusive and binding on all parties, and shall not be questioned or contested in any court, except on the ground of fraud or collusion on the part of the board of council.

Upon acceptance of the work and confirmation of the engineer's estimate of the cost thereof by the board of council it shall, by ordinance, apportion the cost of the work, less any part to be paid by the city or any railway company, equally among the owners of the abutting property on both sides of the street improved according to the number of abutting feet owned by them respectively, provided that the entire cost of sidewalks (including curbing and guttering) shall be apportioned among the owners of the property abutting on the side of the street on which the improvement is made, each corner lot having its sidewalk intersection included in its frontage; and shall assess and levy a local tax on the several lots or parcels of abutting property at a rate per abutting foot sufficient to produce the part of the cost of the improvement apportioned to such abutting lots or parcels of property. The board of council shall apportion to the city such part of the cost of the improvement as it may be liable for, and shall likewise apportion to any railway company the part of the cost for which it may be liable as provided in Section 3563, and shall assess and levy a tax upon all the property, assets and franchises of such company in the city for its part of such cost.

The lien provided for in Section 3563 shall take effect upon the publication of the ordinance making the assessment and levying the tax, and shall take precedence over all other liens, whether created prior or subsequent to the publication of such ordinance except State and county taxes, general municipal taxes and prior improvement taxes, and shall not be defeated or postponed by any private or judicial sale or by any mortgage or by any error or mistake in the description of the property or in the names thereof. Nor shall any error of the proceedings of the board of council exempt any property from the lien for, or payment of, such taxes after the work has been done and accepted as provided in this section; but the board of council or the courts in which suits are pend-

ing, shall make all corrections, rules and orders to do justice to all parties concerned; and in no event shall the city be liable for any part of the cost of such improvement except as provided in Section 3563. Such liens may be enforced, as other liens on real estate, by action brought in the name of the city or the contractor entitled thereto, and, in any such action, an allegation in substance that the improvement had been made and the work accepted pursuant to and by ordinances of the city duly passed in accordance with law, shall be a sufficient pleading of the ordinances and proceedings under which the work was done and accepted without setting out the same in full. Any number of lots or parcels of land on which any local tax or installment thereof is in default, the owners thereof may be joined in one proceeding, and the court shall make all proper and necessary orders for the enforcement and collection of the tax as to the several lots or parcels of land. Where a person is the owner of two or more lots subject to such tax the court may direct that one or more of such lots be sold for the whole tax of such person, allowing such person to designate the lots to be sold first if he so desires and indicates.

§ 7. That Sections 3575 and 3576 of the Kentucky Statutes be and the same are amended and re-enacted to read as follows:

Section 3575. The board of council may provide that any such improvement of the streets, alleys, public ways and sidewalks (including curbing and guttering) shall be made on the ten year payment plan; and, thereupon, when any such improvement shall have been completed and accepted and the cost thereof apportioned to, and a tax therefor levied on, the property liable for the payment thereof as provided in the preceding section, the city treasurer shall give notice by one publication in a newspaper published in the county in which such city is located, if any, and if there be no paper publish-

ed in said county, then in some paper which circulates in said city, requiring all persons to pay the local taxes levied upon their property within thirty days from the publication of the ordinance accepting the work and assessing the cost thereof. Such local taxes may, at the option of the property owners, be payable in cash, without interest, within thirty days, or in ten annual installments as herein provided. Any property owner who desires to exercise such privilege of payment by installment shall, before the expiration of the said thirty days, enter into an agreement in writing with the city that in consideration of such privilege he will make no objection to any illegality or irregularity with regard to the taxes against his property, and that he will pay the same in the manner herein provided with specified interest. Any property owner entering into such an agreement, or who exercises the option to pay in installments, shall be concluded thereby, and shall not be permitted to set up any defense whatever against the payment of such taxes. Such agreement shall be filed in the office of the City Treasurer, who shall file, retain and record the same as a record of his office. In all cases where such agreements have not been filed within the time limited, the entire tax shall be payable in cash without interest before the expiration of said thirty days. Any such tax not paid within said thirty days shall bear interest at the rate of six per cent. per annum from the date of the publication of the ordinance assessing and levying the same. If any property, subject to such local tax, be owned by an infant or person of unsound mind, or by a life tenant, the agreement herein provided for may be executed by the statutory guardian of such infant or committee or curator of such insane person with the same effect as if executed by a person free from disability or by the life tenant.

In cases where the option to pay in installments is exercised the local tax, with interest at the rate of six per cent.

per annum, shall be payable as follows: One-tenth of the tax, with interest on the entire tax, at the time fixed by law for the payment of general city taxes occurring next after the expiration of the thirty days allowed for payment in cash, and, annually thereafter, one-tenth of the entire tax, until the whole is paid. At the end of each six months from the time the first installment of the tax becomes due, interest shall be due and payable for such six months on all unpaid installments of the tax. Provided: That any person may, at any interest-paying period after the fifth annual installment of his tax becomes due, pay the entire assessment of tax against his property with accrued interest. All installments of such special assessments and interest shall be placed upon the tax duplicate with other taxes of persons liable for such special assessments, and the tax bills for such special assessments may, in addition to the other remedies given in this act, be sold and collection thereof enforced in the manner provided by law for collection of municipal taxes. In default of payment of any installment of tax or interest for one month after the same becomes due a penalty of ten per cent. of the installment in arrears shall be added thereto, which shall constitute a like lien as the tax, and all unpaid installments of the tax shall, at the option of the city or any bondholder whose bonds or interest thereon are in default of payment, forthwith become due and payable.

It shall be the duty of the Treasurer, upon order of the board of council, to promptly apply all money paid in on such installments to the payment of bonds and coupons which may be issued as provided in the next section in anticipation of the collection of such local taxes. If the fund accumulated from the collection of assessments, interest and penalties for any particular improvement be more than sufficient to pay the principal and interest of the bonds issued in anticipation of such collection, the board of council shall

make a ratable reduction from the last installment of each person's assessment. Should there be any deficit, the council may provide for payment of same out of the general fund. Failure on the part of the city to collect any such local tax or installment thereof, when due, shall create no liability against such city, but the person entitled to such tax, or the owner of any such bonds shall have the right to proceed in any court of competent jurisdiction to foreclose the lien for such unpaid assessments, recovering interest and costs, and may have the proceeds of the property applied in settlement thereof.

Any railway company, liable for any improvement tax shall be entitled to the privilege of paying such tax on the installment plan, subject to all the provisions herein provided with reference to the exercise of such privilege by other property owners. The board of council may provide that any improvement contemplated in this act may be paid for in annual installments in any number of years, not exceeding ten, in which event the ordinance ordering the improvement shall specify the number of years in which the improvement shall be paid for and all proceedings with reference thereto shall be the same as herein provided for payment on the ten year installment plan, except that the necessary changes shall be made to conform the payments to the number of years specified by the ordinance, and corresponding changes shall be made in any bonds that may be issued with reference to such improvements as provided in the next section.

§ 8. That Sections 3577 and 3578 of the Kentucky Statutes be, and the same are, amended and re-enacted to read as follows:

Section 3577. In order to provide a fund for the immediate payment of the cost of any improvement made on the installments payment plan as provided in Section 3575,

the council may issue and sell improvement bonds in anticipation of the collection of such part of the local taxes assessed and levied therefor as may not be paid within thirty days from the time of the assessment, pledging such taxes and the liens on the property for the payment of the principal and interest of such bonds, and apply the proceeds thereof, exclusively, to the payment for the particular improvement in anticipation of the assessment for which the bonds are issued. Such bonds shall bear the date of the publication of the assessing ordinance, and shall be made payable to bearer. The bonds for each separate improvement shall be numbered consecutively throughout, and shall be divided into ten series as nearly equal as possible, the first series including the lowest numbers and so on. The bonds with interest shall be payable at the City Treasurer's office as follows:

The first series, with accrued interest on all series, shall be due and payable one month after the date on which the first installment of the tax becomes due as provided in the preceding section, and the remaining series shall be due and payable one each year annually thereafter for nine years. Interest on all unpaid bonds shall be due and payable semi-annually at the end of each six months, from the time the first interest becomes due. The bonds shall be of the denomination of one hundred dollars or its multiple, provided that any odd amount over $100 or its multiple may be included in the last bond to mature. No bond shall be issued for less than one hundred dollars unless the total amount for which bonds are issued for any particular improvement is less than one thousand dollars. All improvement bonds shall have the name of the street, alley or other public way, or part thereof, for the improvement of which they are issued, printed, engraved or written thereon, and shall state the character of the improvement. They shall bear interest at a rate not exceeding six per centum per annum from the date of the assessment of the tax, and shall have suitable coupons attached

thereto evidencing the semi-annual interest. The bonds and coupons shall be signed by the Mayor and countersigned by the Treasurer, but the coupons may be signed by lithograph. The clerk shall attest the signatures to the bonds under seal of the city. It shall not be necessary, in such bonds, to recite the steps taken in ordering the improvement or in making the assessments, but it shall be sufficient to make a general reference to such proceedings and to this statute. Such bonds shall be negotiable as inland bills of exchange and shall be free from all defenses by any property owner. Such bonds shall be exempt from all taxation, and shall not be sold for less than par and accrued interest; Provided, if no offer is made for said bonds equal to par and accrued interest, after reasonable advertisement, the city shall have the right to turn them over to the contractor in full payment of the contract price of the improvement for which they are issued. Any premium realized from the sale of such bonds and any penalties collected on delinquent installments of taxes as in the preceding section provided, shall go into the fund for the payment of such bonds and interest thereon. Said bonds and interest thereon shall be payable exclusively out of funds actually paid to and collected by the city on account of the improvement taxes in anticipation of which the bonds are issued, and except as provided in this section the city shall, in no event, be liable on any such bond except to the extent of funds actually paid to it as above set out. Any and all such bonds shall be subject to payment and redemption at any interest payment period thereon that does not occur within five years from the date thereof. Provided that the City Treasurer shall give the owner of the bond proposed to be redeemed at least twenty days' notice by registered letter. It shall be the duty of the owner of any bond, subject to redemption as herein provided, to notify the City Treasurer of his post-office address and any changes therein, and the Treasurer will keep a record of the address opposite the number of the

bond on his records. The notice herein provided for shall be directed to such address, and if no address be given, the notice shall be directed to such owner at his last known address, and the bond specified therein shall bear no interest after the date fixed for its redemption, and this provision shall be shown in substance on the bonds. Mailing such registered letter twenty days before the time fixed for such redemption shall be deemed a compliance herewith. After the issue of such bonds no suit shall lie to enjoin or resist the collection of any assessment or tax in anticipation of which the bonds are issued, and the validity of the same shall not be questioned, but all property owners shall be conclusively estopped and precluded from in any manner assailing the effectiveness or validity thereof. Such bonds shall convey and transfer to the owners thereof all lien, right, title and interest in and to the assessments, taxes, and liens upon the respective lots and parcels of ground, including any railway property liable for said tax as hereinbefore provided for, which liens shall stand as security for such bonds and coupons until they are paid, with full power to enforce the collection thereof, if such bonds or coupons be not paid on presentation to the Treasurer, by foreclosure in any court of competent jurisdiction as provided in Section 3574. If any lots or lands be sold for the payment of any special tax or assessment thereon, or any installment thereof, or for any general municipal tax such lots and lands shall not thereby be released from any other special tax or assessment, or installment thereof, existing thereon unless the same be asserted in the action in which such lots or lands are sold. If any foreclosure suit brought by the city or any bondholder as provided herein, it shall not be necessary to make the other bondholders parties, but the proceeds of the suit shall be paid into the city treasury to be applied to the redemption of matured bonds in the same manner as if the same had been paid without suit. When any such city has been authorized

to incur any indebtedness for such purpose, at an election by the voters thereof, held pursuant to law, either before or after the improvement in question is made, the council may, to the extent of such authorization, issue and sell bonds of the city in anticipation of the collection of the local taxes levied and assessed for any such improvement as provided in this act, pledging the faith and credit of the city, in addition to the assessments, taxes and liens herein provided for, for the payment of the principal and interest of such bonds. Such bonds shall constitute an indebtedness of the city, for the payment of which with interest, the city shall be liable in its corporate capacity. Such bonds shall be issued and sold in all respects as provided by law with reference to the issue and sale of bonds by the city, and the board of council shall provide for the collection of an annual tax sufficient to pay the interest on such bonds and to create a sinking fund for the payment of the principal thereof within the period of time, not exceeding ten years, provided by the ordinance for the payment of the local taxes, in anticipation of which such bonds are issued. Provided, that in any year in which the collections from such local taxes are sufficient to pay the interest on such bonds and to provide the necesary sinking fund, it shall not be necessary for the city, in such year, to collect any tax for that purpose; and in any year, it shall be necessary for the city to collect only such an amount of general taxes as will be sufficient, when added to the local taxes collected for such improvement, to meet the requirements of this act. Upon payment by the city of any such bond, the city shall become the owner thereof, and be subrogated to all the rights of the bondholder with reference thereto. Thereafter, all collections of the local taxes, in anticipation of which such bond was issued, shall belong to the city.

§ 9. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. Murphy offered the following amendment to said bill, viz.:

Insert after "necessary" in line 8, page 7:

"But no such improvement shall be ordered against property which has been assessed to the extent of 50 per cent. of the value thereof for the period of two years from the date of the last assessment."

Said amendment was agreed to.

Mr. L. M. Smith offered the following amendment to said bill, viz.:

Amendment to House Bill 307:

Amend House Bill No. 307, by inserting the word "sidewalk" after the word "alleys," as it appears in lines 85 and 87 respectively, page 6 of said bill, and striking from lines 85 and 88 respectively the words in parentheses ("excluding sidewalks"), on page 6 of said bill.

Further amend said bill by inserting Section 8a immediately at the close of Section 8.

8a. Provided, that any and all duties imposed upon, and authority or power given to, or restrictions or prohibitions placed around and upon the board of council in the foregoing sections of this act, shall be exercised by and be imposed upon the commissioners of any city of the fourth class now or hereafter operating under a commission form of government, as provided by Section 3606b, 1915, Kentucky Statutes, and, provided that in cities which may not have a City Engineer, all duties, power and authority given city engineers by the foregoing, may be performed and exercised by

such other officer, committee or board, as may be by law, or authority of the commissioners, or council, clothed with such power and authority.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and, as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. R. Durham	S. Montgomery
Geo. B. Barrett	J. M. Elliston	G. B. Moores
C. H. Bays	L. L. Embrey	John T. Murphy
Chas. D. Bratcher	Wm. Gearheart	B. F. McAtee
G. G. Brashear	W. G. Gooch	C. B. Nichols
Frank J. Brown	C. H. Grimes	S. Mazyck O'Brien
E. Bullock	J. S. Hall	A. J. Oliver
Henry A. Cannon	L. B. Hamilton	William A. Perry
Glover H. Cary	W. C. G. Hobbs	Geo. L. Pickett
A. S. Cooper	J. M. Howell	A. B. Pieratt
S. B. Coleman	Chas. L. Hunter	W. A. Price
W. P. Cropper	R.B.Hutchcraft,Jr.	J. D. Pumphrey
James S. Cruse	R. B. Jackson	Harry P. Purnell
H. C. Cummins	W. H. Jones	John T. Roach
S. C. Dobbs	Dr. J. E. Lilly	Lewis Ryans
Jas. R. Dorman	W. R. Lyon	Joe Schneider
W. E. Dowling	Dr. C. W. Mathers	L. M. Smith
William Duffy	Jacob Metzger	E. D. Smith
Odie Duncan	Claude D. Minor	Claude B. Smith

John W. Snider	Robt. R. Treadway	W. M. Webb
Adam Spahn	D. B. Tyra	M. O. Wilson
Ed. D. Stone	J. W. Wall	E. S. Wood
R. C. Tartar	John S. Webb	E. G. Young

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Those who voted in the negative were—

H. F. S. Bailey	W. B. Harvey	J. D. Wills
T. T. Gardner	T. R. Jones	

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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Duffy, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 207. An act to regulate liability of common carriers upon "intrastate" shipments.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any common carrier, railroad, or transportation company within this State receiving property for transportation from one point in this State to another point within this State shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property, caused by it or by any common carrier, railroad, or transportation company to which such

property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule or regulation shall exempt such common carrier, railroad or transportation company from the liability hereby imposed; and such contract shall be construed to be as between the shipper and the carrier to whom the goods are delivered, a contract by said carrier to deliver said goods at the point of destination. Provided, that nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

That the common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof.

The Committee on Railroads offered the following amendment to said bill, viz.:

After the word "thereof" in the last line of the bill insert the words "and its costs incurred."

Said amendment was agreed to.

Mr. Greene moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and, as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler
H. F. S. Bailey
Geo. B. Barrett
C. H. Bays
G. G. Brashear
Frank J. Brown
W. H. Brown
Henry A. Cannon
Glover H. Cary
A. S. Cooper
S. B. Coleman
W. P. Cropper
H. C. Cummins
S. C. Dobbs
Jas. R. Dorman
Thomas A. Dover
W. E. Dowling
William Duffy
Odie Duncan
J. R. Durham
J. M. Elliston
L. L. Embrey
T. T. Gardner
Wm. Gearheart
W. G. Gooch
Frank C. Greene
C. H. Grimes
J. S. Hall
L. B. Hamilton
W. B. Harvey
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
Chas. L. Hunter
R.B.Hutchcraft,Jr.
R. B. Jackson
J. M. Johnson
T. R. Jones
W. H. Jones
H. Clay Kauffman
Wm. J. Kuh
W. T. Lasley
Dr. J. E. Lilly
W. R. Lyon
Dr. C. W. Mathers
Jacob Metzger
Claude D. Minor
S. Montgomery
G. B. Moores
John T. Murphy
B. F. McAtee
W. J. McMurray
C. B. Nichols
A. J. Oliver
William A. Perry
Geo. L. Pickett
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
Richard Radcliffe
John T. Roach
Lewis Ryans
Joe Schneider
L. M. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Ed. D. Stone
R. C. Tartar
Robt. R. Treadway
F. C. Trivette
D. B. Tyra
J. Wood Vance
J. W. Wall
John S. Webb
W. M. Webb
Frank M. White
J. D. Wills
E. S. Wood
E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 326. An act providing a stenographer in the county attorney's office in counties containing a city of the first class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in all counties in this Commonwealth containing a city of the first class, there is hereby created the office of Stenographer to the County Attorney; to be appointed by the County Attorney for a term of four years, but removable by him at any time; the salary of said stenographer to be $720.00 per year, and payable out of the county levy in regular monthly installments of $60.00 per month. It shall be the duty of said stenographer to do the stenographic work and typewriting required in the County Attorney's office, and by virtue of the office shall have the same power of administering an oath as a Notary Public.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler
H. F. S. Bailey
Geo. B. Barrett
C. H. Bays
Chas. D. Bratcher
G. G. Brashear
Frank J. Brown
W. H. Brown
E. Bullock
Henry A. Cannon
Glover H. Cary
A. S. Cooper
S. B. Coleman
W. P. Cropper
R. T. Crowe
James S. Cruse
S. C. Dobbs
Jas. R. Dorman
Thomas A. Dover
William Duffy
J. R. Durham
J. M. Elliston
Wm. Gearheart
W. G. Gooch
C. H. Grimes
J. S. Hall
L. B. Hamilton
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
Chas. L. Hunter
R.B.Hutchcraft,Jr.
J. M. Johnson
W. H. Jones
H. Clay Kauffman
Wm. J. Kuh
W. T. Lasley
M. E. Lee
Dr. J. E. Lilly
Dr. C. W. Mathers
Jacob Metzger
Claude D. Minor
S. Montgomery
G. B. Moores
John T. Murphy
B. F. McAtee
W. J. McMurray
C. B. Nichols
S. Mazyck O'Brien
A. J. Oliver
William A. Perry
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
Richard Radcliffe
John T. Roach
Lewis Ryans
Joe Schneider
L. M. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Ed. D. Stone
R. C. Tartar
F. C. Trivette
D. B. Tyra
J. Wood Vance
J. W. Wall
John S. Webb
W. M. Webb
Frank M. White
J. D. Wills
E. S. Wood
Louis E. Yewell
E. G. Young
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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Duffy, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 71. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term common carrier or common carriers, wherever used in this act, shall mean and embrace railroad companies, express companies, sleeping-car companies, steamboat companies, bridge companies, interurban electric railway companies, and any other corporation or company engaged in the transportation of goods or passengers for hire or compensation wholly within this State by rail or boat, however propelled, but shall not embrace the operation of street car companies wholly within the limits of any city or town within the State; and the word carrier wherever used in this act shall mean and include common carriers.

§ 2. The provisions of this act shall apply to the receiving, transmitting and delivering and to all charges connected with the transportation of passengers or property wholly within this State, and to the receiving, switching, delivering, storing and handling and classification of such property and to all charges connected therewith and shall apply to all carriers that shall do business upon or over any line of railroad within this State and to all common carriers engaged in the transportation of passengers or property wholly by rail or water, or partly by rail and partly by water.

§ 3. Every common carrier is hereby required to furnish reasonably adequate service and facilities and the charges made for any service rendered, or to be rendered, in the transportation of passengers or property, or for any service in connection therewith, or for receiving, switching, delivering, storing or handling of such property shall be reasonable and just; and every unjust and unreasonable charge for such service and every unreasonable classification, regulation, rule or practice and all services and facilities which are not reasonably safe and adequate are prohibited and declared to be unlawful.

§ 4. Every common carrier shall print or publish in legible form schedules or tariffs showing all the fares, rates and charges for the transportation of persons or property and any service in connection therewith between different points on its own route in the State of Kentucky and between points on its own route and points on the route of any other carrier in the State of Kentucky when a through route and joint rates have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file and print or publish in legible form the separately established rates, fares and charges applied to the through transportation. Such schedule shall be plainly printed or published in a legible form and a copy, for the use of the public, shall be kept in every depot or station of such common carrier convenient for public inspection where freight or passengers are received for transportation, and a copy shall be filed by each common carrier with the Railroad Commission. It shall only be necessary for said schedules or tariffs to show all rates applicable to all points from said station and a notice to that effect shall be kept posted in two public and conspicuous places in every depot or station where goods or passengers are received for transportation, provided an agent is maintained at said depot or

station. If, however, an agent is not maintained at said depot or station where passengers and property are received for transportation, then the provisions of this act shall apply to the next nearest station or depot where an agent is maintained and the billings are made out.

§ 5. When passengers or property are transported over two or more connecting lines of railroad between points in this State and the railroads have made joint rates for the transportation of same such rates and all charges in connection therewith shall be just and reasonable and every unjust and unreasonable charge is prohibited and declared to be unlawful; provided, that a less charge by each of said railroads for such joint rates than is made locally between the same points on the respective lines shall not for that reason be construed as a violation of law nor render such carrier liable to any penalty except as otherwise provided herein.

§ 6. No change shall be made in the rates, fares or charges which have been filed and published by any carrier in compliance with this act except after not less than thirty days' notice to the Railroad Commission and to the public published as aforesaid, and any changes to be made in the schedules or tariffs then in force, and the date of said proposed effective change, shall be shown by new schedules or supplements thereto, printed or published in legible form; provided, that the Railroad Commission may, in its discretion, and for good cause shown, enter an order of record allowing changes in the tariff or schedule upon less time or modify the requirements of this act in respect to publicly posting notices and filing of tariffs either in particular instances or by a general order applicable to special or peculiar circumstances or conditions. And, provided, further, that any change ordered by the Railroad Commission under Section 820a, Carroll's Edition, 1909, Kentucky Statutes, or

under any provision of this act, shall take effect as provided herein.

§ 7. It shall be unlawful for any carrier to charge, demand, collect, or receive a greater or less compensation for the transportation of property or for any service rendered in connection therewith than is specified in such printed schedules or tariffs, including schedules or joint rates, as may at the time be in force, and the rates, fares and charges specified therein shall be the lawful rates, fares and charges until the same are changed as provided in Section 820a, Carroll's Edition, 1909, Kentucky Statutes, or under the provisions of this act.

§ 8. The Commission may prescribe such changes in the form in which the schedules are issued by the carrier as may be found expedient.

§ 9. The Railroad Commission shall have the same power to regulate the existing joint rates of two or more carriers wholly within the State of Kentucky that it now has to regulate the rates of a single carrier or that it may have to regulate the rates of a single carrier under the provisions of this act and may also, after due notice to the carriers, hear complaints and establish a through route and prescribe a just and reasonable maximum joint rate to be charged for the transportation of persons or property over such route, provided no just and reasonable through route or joint rate exists, and also prescribe an equitable division of such joint rate whenever the carriers themselves shall refuse or neglect to fully establish through route or such division of such joint rate. Any order of the Railroad Commission made under this section shall take effect and be in force after the expiration of ten days from the time the same shall be entered of record on the order book of the Commission and a copy thereof, certified by the Secretary of the

Commission, mailed to any officer, agent or attorney of the railroad affected thereby; and said order may be revoked or modified by an order likewise entered of record; and any carrier or official, agent or employee of a carrier knowingly or wilfully failing to comply with any order of the Commission made and entered under the provisions of this section,or which shall knowingly or wilfully charge, demand, collect or receive any joint rate in excess of that prescribed by the order of this Commission or its proportion of said joint rate in excess of that prescribed by the order of said Commission, or which shall knowingly and wilfully fail to establish such joint rate or through route when prescribed by an order of the Commission under this section, shall be guilty of a misdemeanor and upon conviction shall be fined for the first offense in any sum not exceeding two hundred and fifty dollars, and for the second offense in any sum not exceeding five hundred dollars, and for the third and each succeeding offense in any sum not exceeding two thousand five hundred dollars, and any prosecution for a violation of said section shall be a bar only to those offenses growing out of similar acts or transactions, if any, which have occurred prior to the indictment or penal action upon which a trial and conviction is had, and it shall be the duty of the chairman of the Railroad Commission, when said Commission shall have knowledge or receives information that this section has been, or is being violated, to present the facts to the grand jury of the Circuit Court having jurisdiction over the offense.

§ 10. The Circuit Court of any county into or through which the line or lines of a carrier run violating the provisions of the next preceding section and the Franklin Circuit Court shall have jurisdiction of the offense against the carrier and the Circuit Court of the county into or through which said line or lines run when the next preceding section has been violated by an officer, agent or employee of said car-

rier, shall have jurisdiction in prosecutions against said officer, agent or employee.

§ 11. Whenever any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society or municipal organization files a complaint with the Railroad Commission, before any change or changes in any schedule, including schedule of joint rates, or before any change in any classification, rule, regulation or practice becomes effective, as provided under this act, to the effect that such change or changes, classification, rule, regulation or practice are unreasonable or unjustly discriminatory, it shall be the duty of the Commission to give ten days' notice to the carrier complained of that complaint has been made and to proceed to investigate the same and to order a hearing thereon in the manner provided for hearings under Section 820a, Kentucky Statutes, Carroll's Edition, 1909; and the Commission may in its discretion stay such change or changes pending such investigation and the determination of the matters investigated by issuing an order to that effect at any time before said change or changes shall take effect as provided under this act.

If, upon such investigation, the change or changes complained of, or any rule, regulation, or practice complained of, shall be found unreasonable or unjustly discriminatory, such change or changes, rule, regulation or practice shall not take effect if the same have been stayed as hereinbefore provided, and in case no such stay has been ordered and such change or changes, rule, regulation or practice have become effective pending such investigation, the Commission shall have authority to order the discontinuance of such change or changes, rule, regulation or practice. The Commission shall also have authority upon such investigation, to fix and order substituted for any change or changes such a rate or rates,

joint rate or rates, fares, charges, classification, rule, regulation, practice or service as the case may be, as it shall have determined to be just and reasonable, and which shall be charged, imposed or followed in the future, and shall also have authority to make such orders respecting such rule, regulation, practice or service as it shall have determined to be reasonable and which shall be observed and followed in the future.

§ 12. Whenever and wherever a duty or obligation is imposed upon a carrier by law or under the provisions of this act, whiih relates to the rates, classification, fares, charges, service, rule, regulation or practice of a common carrier, or whenever a complaint is filed alleging a violation of Section 818, Carroll's Edition, Kentucky Statutes, 1909, the same shall be under the supervision and regulation of the Railroad Commission, which shall have authority, after due notice and hearing as provided under Section 820a, Carroll's Edition, 1909, Kentucky Statutes, to issue an order fixing just and reasonable rates and prescribing any just and reasonable rule, regulation, classification or practice to be thereafter charged, followed and observed by the carrier and to prescribe the rates to be charged or service to be performed thereafter to relieve any undue or unreasonable discrimination, prejudice, or advantage fund to exist in violation of Section 818, Carroll's Edition, Kentucky Statutes; and such rates, classifications, charges, fares, rule, regulation, or practice so ordered shall be substituted for the rates, classifications, charges, fares, rule, regulation or practice then in force by the carrier.

§ 13. Nothing in this act shall be construed to prevent concentration, commodity transit and other special contract rates; but all such rates shall be open to all shippers for a like kind of traffic under similar circumstances and conditions, and shall be subject to the provisions as to the printing

and filing of the same and all such rates shall be under the supervision and regulation of the Railroad Commission.

§ 14. Nothing in this act shall prevent the carriage, storage or handling of freight free or at reduced rates for the United States, the State or any county or any municipality thereof, or for charitable purposes or to or from fairs and expositions for exhibition thereat, or household goods which are the property of carrier's employees or commodities shipped by employees for their own exclusive use and consumption; or the issuance of mileage, commutation or excursion passenger tickets, provided the same shall be obtainable by any person applying therefor without discrimination; or of party tickets, provided the same shall be obtainable by all persons applying therefor under like circumstances and conditions; or the sale of tickets at reduced prices to and from watering places, summer resorts, expositions, centennials, State and county fairs; or to or from public gatherings; provided the same are sold without discrimination against any political party or religious organization and are sold to all persons applying therefor under like circumstances and conditions. Provided, further, this act shall not be construed as preventing carriers from giving free transportation or reduced rates to inmates of soldiers' homes, to any minister of the gospel, officials or agents of incorporated colleges regular agents of charitable societies and eleemosynary institutions only when traveling upon the business of the home, society, college or institution; destitute and homeless persons, carriers' officers, attorneys, physicians, directors, employees, or members of their families, or to former carrier employees, or members of their families where such employees have become disabled in the carrier's service, or are unable, from physical disqualifications, to continue in the service; or to members of families of deceased employees; or to prevent the exchange of passes with officers, attorneys

or employees of other carriers and members of their families; provided, further, this act shall not be construed as preventing carriers from giving free transportation at reduced rates to employees on sleeping cars, express cars and to linemen of telegraph and telephone companies, to railway mail service employees, postoffice inspectors, customs inspectors and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation or complaint in which the common carrier is the plaintiff or defendant, persons injured in wrecks and physicians and nurses attending such persons, and the provisions of this act shall not prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence and other calamitous visitations. Provided, further, that upon any shipment of livestock or other property of such nature as to require the care of an attendant, the carrier may furnish to the shipper, or some person or persons designated by him, free transportation for an attendant or attendants, including return passage to the point from which the shipment originated; and there shall be no discrimination in reference thereto between such shippers; and the Railroad Commission shall have authority to prescribe regulations in relation thereto. Nothing herein shall be construed as repealing the provisions of Section 804a, Kentucky Statutes, Carroll's Edition, 1909.

§ 15. Except as is provided by this act it shall be unlawful for any carrier to give free transportation of passengers or property wholly within this State to any person, firm, company or corporation or to transport persons or property wholly within this State for any other compensation than that prescribed by its schedules and tariffs.

§ 16. Any carrier violating the provisions of Sections 14 and 15 of this act, and any person, corporation or firm knowingly or wilfully receiving free transportation, or trans-

portation at reduced rates except as permitted by this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one thousand dollars.

§ 17. Any State, district, city, town or county officer or member of the General Assembly, or member of the Railroad Commission, or judge who shall accept or use free transportation, or who shall knowingly and wilfully receive or use tickets or transportation at reduced rates prohibited by this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not to exceed one thousand dollars, and any person convicted, as aforesaid, shall forfeit his office, and the office so held by said person shall be declared vacant by a judgment and order of the court in which said trial and conviction is had.

§ 18. All carriers shall keep and maintain adequate and suitable freight and passenger stations, depots, buildings, switches and side tracks for the receiving, handling, and delivering of freight and passengers transported or to be transported by such carriers.

§ 19. Whenever complaint is filed with the Railroad Commission to the effect that a public highway and railroad cross on another at the same level and that such grade crossing is unsafe and dangerous to the travelers over such highway or railroad, it shall be the duty of said commission to give notice to the railroad company in interest of the filing of such complaint, and to furnish copy of same to the railroad company and to order a hearing thereon in the manner provided in Section 820a, Carroll's Edition, 1909, Kentucky Statutes. If, upon such hearing, it shall appear to the satisfaction of the commission that the crossing complained of is unsafe and dangerous to human life, said commission may order and direct the railroad company to erect gates at said crossing and place an agent in charge to open and close the

same when an engine or train passes, or that a flagman be stationed at such crossing, who shall display a flag when an engine or train is about to pass, or that such crossing shall be provided with an electric signal or other device as the commission determines; and such railroad company shall comply with the terms of such order.

§ 20. All shipments of intrastate freight shall be correctly weighed and all empty cars which are used for carrying intrastate freight in carload lots shall be correctly weighed and the Railroad Commission shall have authority, upon notice and hearing, to issue just and reasonable orders and rules relative to the weighing of freight shipped in carload lots and empty cars when said shipments move to and from points wholly within this State.

§ 21. The Railroad Commission shall have power to make and prescribe reasonable rules and regulations for furnishing cars to shippers for intrastate shipments and for moving and switching the same and for the loading and unloading thereof, and for storing intrastate freight and to test the scales and weights used by any carrier in weighing such freight and cars.

§ 22. The Railroad Commission is hereby authorized to prescribe reasonable rules and orders under which it shall be the duty of a carrier, or carriers, to furnish a shipper car or cars for intrastate shipments. Said rules and orders of the commission shall be made after due notice to the public and the carrier, or carriers, affected thereby, and duly recorded in the order book of said commission. Any carrier knowingly and wilfully failing to furnish a shipper car or cars for intrastate shipment within a reasonable time and under ordinarily reasonable conditions, the same to be prescribed by the rules and orders of said commission, shall be deemed guilty of a misdemeanor, and upon trial and conviction, as

hereinafter provided, shall be fined in any sum not to exceed one thousand dollars ($1,000.00.)

§ 23. In all proceedings under the preceding section any complainant, who has complied with the terms and conditions of the rules and orders of said commission provided for in the preceding section, may file a written complaint before the commission stating the name of the carrier alleged to have violated said rules, and the facts constituting same. Whereupon it shall be the duty of the secretary of the commission to at once forward a copy of said complaint to the carrier or carriers complained of and notify the carrier and complainant the time and place at which a hearing shall be held by the commission on said complaint. At the date said case is set for hearing, unless for good cause shown a continuance is granted, said commission shall at once proceed to hear the evidence for and against said complaint. All witnesses testifying before said commission shall be duly sworn and their testimony taken down and transcribed by the stenographer of the commission, an examiner or notary public. After a full and complete hearing of said complaint, if the commission is of the opinion that said carrier, or carriers, have violated the rules or orders of the commission provided for in Section 22 of this act, it shall be the duty of the chairman of the commission to forward the order and judgment of the commission in said complaint, together with all the records and papers therein to the grand jury of the county having jurisdiction over the acts and offenses of said carrier and to recommend that said carrier, or carriers, be indicted.

§ 24. In case an indictment is returned against any carrier for a violation of Section 22 of this act it shall not be necessary to allege that due notice of the rules and orders of the commission had been given the defendant carrier, or carriers, or any other steps relative thereto, but said indict-

ment may simply state that the act or acts charged were committed knowingly and wilfully in violation of the provisions of the rules and orders of the commission made in pursuance to Section 22 of this act, and state the act or acts committed or omitted by the carrier, or carriers, which were in violation of said rules and orders so prescribed by the commission.

§ 25. It shall be unlawful for any railroad company or other common carrier to combine with or to make any contract or agreement or to have any understanding with the owners, agents or employees of any vessel or steamboat line that makes port in this State by which combination, contract or agreement, the earnings of the one doing the carrying are to be shared by the other not doing the carrying, and no carrier by rail shall direct, control or influence by any agreement, contract or understanding the rates of any carrier by water or own or control any stock or bonds of any company or corporation engaged in any transportation by water, and it shall be the duty of the Railroad Commission to enforce the provisions of this act, and to this end said commission shall have the power and authority to make a full and complete investigation of any alleged violation of the provisions of this section and to summons before it any officers, agents or employees of any carrier by rail or water who shall be required to testify on oath concerning all matters inquired into by said commission touching the violation of the provisions of this section, and after said investigation the commission shall have the authority, if in its opinion or judgment, the provisions of this section are being violated, to issue orders prescribing rules and regulations to prevent the further violation of the provisions of this section, and if thereafter any carrier by water or rail shall violate any order issued by said commission under the provisions of this section, said carrier by water or rail, its agents, servants and employees, shall be deemed guilty of a misdemeanor, and shall be sub-

ject to the same penalty and be proceeded against in the same manner as is provided herein for a violation of Section 8 of this act. Provided, however, that the provisions of this section shall not apply to such water transportation carried on by railroad companies as are necessarily incident to the reasonable conduct of the carrier's business by rail.

§ 26. Whenever a carrier by rail shall in competition with a water route, or routes, reduce the carriage on any species of freight to or from competitive points, it shall not be permitted to increase such rates, unless after hearing by the Railroad Commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.

§ 27. If any common carrier subject to the provisions of this act, after written request made upon the agent of such carrier as provided herein, by any person or company for a written statement of the rate or charge applicable to a described shipment between stated places under the schedules or tariffs to which such carrier is a party, shall refuse or omit to give such written statement within a reasonable time, or shall misstate in writing the applicable rate, and if the person or company making such request suffers damage in consequence of such refusal or omission, or in consequence of the misstatement of the rate, either through making the shipment over a line or route for which the proper rate is higher than the rate over another available line or route, or through entering into any sale or other contract whereunder such person or company obligates himself or itself to make such shipment of freight at his or its cost, then said carrier shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed two hundred and fifty dollars. It shall be the duty of every carrier by railroad to keep at all times conspicuously posted in every station where freight is received for transportation the name of an agent

resident in the city, village, or town where such station is located, to whom application may be made for the information by this section required to be furnished on written request; and in case any carrier shall fail at any time to have such name so posted in any station, it shall be sufficient to address such request in substantially the following form: "The Station Agent of the ..... Company at ..... Station," together with the name of the proper postoffice, inserting the name of the carrier company and of the station in the blanks, and to serve the same by depositing the request so addressed, after registering the same, in any postoffice; provided, that this section shall apply to depots or stations where an agency is maintained and in case no agency is maintained at said station or depot, then the provisions of this section shall apply to the next nearest station or depot where an agent is maintained and the billings made out.

§ 28. It shall be the duty of any sheriff or deputy in the Commonwealth of Kentucky, to execute all summons and orders necessary to be issued by the Railroad Commission under the provisions of this act and make return to the chairman of the commission how they have executed said subpoenas and orders.

§ 29. Any common carrier, agent or employee violating any of the provisions of this act, or any official, agent or servant of any common carrier who shall fail or refuse to do or perform any duty or obligation required to be done or performed by common carriers as provided by law or under the provisions of this act, and any common carrier, official, agent or employee who fails or refuses to comply with any order of the Railroad Commission made and entered pursuant to and in conformity with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, if no other penalty is provided by law or by the provisions of this

act, shall be fined in any sum not to exceed five hundred dollars for each offense.

§ 30. The Circuit Courts having jurisdiction under the provisions of the Civil Code of Practice and also the Franklin Circuit Court, shall have jurisdiction and authority to enforce all orders of the Railroad Commission and the chairman of the commission shall have authority to file a petition in equity in the name of the Commonwealth, invoking the aid of any Circuit Court having jurisdiction as provided herein, to compel any common carrier to obey, execute, comply with or make effective any order of the commission made in pursuance of this act, and such common carrier shall be summoned and the issues joined by the pleadings and the cause docketed and tried as in other suits in equity, except that the transcript of the evidence offered before or heard by the commission, or a properly certified copy thereof, and the record of all proceedings in the cause before the commission, or a certified copy thereof, shall be filed in the court and made a part of the record in the cause, and no evidence shall be introduced on the hearing in court by either party other than said evidence offered before or heard by the commission, except such evidence as the court shall be satisfied from affidavits or sworn testimony could not, by the exercise of reasonable diligence, have been produced at the hearing before the commission. And if additional testimony be introduced in court, the cause shall be remanded to the Railroad Commission with authority to alter, change, modify or affirm its original order before the rendition of judgment by the court in reference to the order or orders of the commission. From the judgment of the court appeal shall lie to the Court of Appeals by either the commission or the carrier, and all proceedings in court under this act shall have precedence over all other causes except criminal cases. It shall be the duty of the Attorney General of the Commonwealth to represent

the Railroad Commission in the proceedings provided for herein. The proceedings provided for under this section of this act shall not be exclusive of, but in addition to, other proceedings and penalties provided by law.

§ 31. Unless otherwise herein provided all rules and orders of the Railroad Commission made in pursuance to this act and entered in the order book of the Railroad Commission are hereby declared to be in force and effect within ten days after the same have been entered in the order book of the commission, and the carrier or carriers affected thereby have received a certified copy of same, unless for good cause shown and by an order likewise entered of record, the same have been stayed or modified by the commission.

§ 32. All prosecutions under this act shall be commenced within two years after the offense shall have been committed.

§ 33. The rights, privileges and remedies herein prescribed shall not be in lieu of, but in addition to, the rights, privileges and remedies now existing in such cases under the common law.

§ 34. All laws and parts of laws inconsistent with this act are hereby repealed.

Mr. L. M. Smith moved that the House resolve itself into the Committee of the Whole on the State of the Commonwealth for the purpose of hearing the provisions of House Bill 71 discussed, thirty minutes on each side, by Mr. Jouett on behalf of the railroads and by Mr. Finn, chairman of the Railroad Commission of Kentucky, for the bill.

Mr. Murphy moved that said motion be laid on the table.

Said motion was agreed to.

Mr. Johnson offered the following amendment to said bill, viz.:

Amend by allowing Railroad Commission to regulate the Fish and Game Commission.

Said amendment was declared out of order.

Mr. Coleman offered the following amendment to said bill, viz.:

Amend H. B. 71, Section 9, line 16½, by inserting after the word "record" and before the word "and," the following:

"And notice of which shall be served in the same manner as herein provided by service of notice of orders upon the officers of the railroads, or pipe line companies affected thereby."

Said amendment was disagreed to.

Mr. Coleman offered the following amendment to said bill, viz.:

Amend House Bill 71, Section 9, line 15½, by striking therefrom the words "or attorney."

Said amendment was disagreed to.

Mr. Pumphrey moved that said bill and all pending amendments be laid on the table.

The following pairs were announced on House Bill 71:

Pair on bill increasing powers of Railroad Commission: W. M. Webb, if present, would vote no. E. B. McGlone would vote aye.

(Signed)
W. M. WEBB,
E. B. McGLONE.

March 4, 1916.

It is agreed that if B. Tabor was present he would vote against Bill 71, known as Finn Bill, and that W. C. G. Hobbs would vote for the bill.

(Signed)
B. TABOR,
W. C. G. HOBBS.

March 6, 1916.

Messrs. Richard Radcliffe and D. S. Richardson are paired on House Bill No. 71 and any amendments thereto, it being understood that Mr. Radcliffe would vote yes on said bill and Mr. Richardson, if present, would vote no on said bill.

(Signed)
RICHARD RADCLIFFE,
D. S. RICHARDSON.

Frankfort, March 7, 1916.

On the pending bill, H. B. No. 71, Mr. H. J. Meyers is paired with Mr. W. T. Lasley. If Mr. Meyers were present he would vote nay and Mr. Lasley would vote aye.

(Signed)
W. T. LASLEY.
HARRY J. MEYERS.

The yeas and nays being called for by Messrs. Hutchcraft and Kauffman on the motion made by Mr. Pumphrey

to table House Bill 71 and all pending amendments thereto were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Wm. Gearheart	W. A. Price
Geo. B. Barrett	C. H. Grimes	J. D. Pumphrey
C. H. Bays	J. S. Hall	Harry P. Purnell
Chas. D. Bratcher	W. B. Harvey	Lewis Ryans
G. G. Brashear	Chas. L. Hunter	Adam Spahn
W. H. Brown	R. B. Jackson	Thomas Spurrier
E. Bullock	W. H. Jones	Ed. D. Stone
Henry A. Cannon	Wm. J. Kuh	R. C. Tartar
R. A. Cook	Dr. J. E. Lilly	Robt. R. Treadway
A. S. Cooper	W. R. Lyon	F. C. Trivette
S. B. Coleman	Jacob Metzger	D. B. Tyra
James S. Cruse	Claude D. Minor	J. W. Wall
S. C. Dobbs	S. Montgomery	John S. Webb
Jas. R. Dorman	G. B. Moores	Frank M. White
Thomas A. Dover	John T. Murphy	E. S. Wood
William Duffy	L. T. Neat	Louis E. Yewell
J. M. Elliston	S. Mazyck O'Brien	
L. L. Embrey	A. J. Oliver	—52

Those who voted in the negative were—

H. F. S. Bailey	David J. Howard	Geo. L. Pickett
Frank J. Brown	J. M. Howell	A. B. Pieratt
Glover H. Cary	R.B.Hutchcraft,Jr.	John T. Roach
W. P. Cropper	J. M. Johnson	Joe Schneider
R. T. Crowe	H. Clay Kauffman	L. M. Smith
H. C. Cummins	M. E. Lee	E. D. Smith
J. R. Durham	Dr. C. W. Mathers	Claude B. Smith
T. T. Gardner	B. F. McAtee	John W. Snider
W. G. Gooch	W. J. McMurray	J. Wood Vance
Frank C. Greene	C. B. Nichols	J. D. Wills
A. B. Holland	William A. Perry	—32

And so said motion to table was agreed to.

Mr. Pumphrey moved that the vote by which House Bill 71 and all pending amendments thereto was laid on the table be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey moved that this House do now adjourn.

The yeas and nays being called for by Messrs. Kauffman and Howard, were as follows, viz.:

Those who voted in the affirmative were—

Geo. B. Barrett	Wm. Gearheart	S. Mazyck O'Brien
C. H. Bays	C. H. Grimes	A. J. Oliver
Chas. D. Bratcher	J. S. Hall	Geo. L. Pickett
G. G. Brashear	W. C. G. Hobbs	J. D. Pumphrey
E. Bullock	J. M. Howell	Harry P. Purnell
Henry A. Cannon	Chas. L. Hunter	Lewis Ryans
Glover H. Cary	R. B. Jackson	Adam Spahn
R. A. Cook	W. H. Jones	Thomas Spurrier
A. S. Cooper	Dr. J. E. Lilly	R. C. Tartar
R. T. Crowe	Jacob Metzger	F. C. Trivette
James S. Cruse	Claude D. Minor	D. B. Tyra
H. C. Cummins	S. Montgomery	J. Wood Vance
Thomas A. Dover	G. B. Moores	John S. Webb
William Duffy	John T. Murphy	M. O. Wilson
J. M. Elliston	B. F. McAtee	
L. L. Embrey	L. T. Neat	—46

Those who voted in the negative were—

Peter Ampler	S. C. Dobbs	W. B. Harvey
H. F. S. Bailey	Jas. R. Dorman	A. B. Holland
Frank J. Brown	J. R. Durham	David J. Howard
W. H. Brown	T. T. Gardner	R.B.Hutchcraft,Jr.
S. B. Coleman	W. G. Gooch	J. M. Johnson
W. P. Cropper	Frank C. Greene	T. R. Jones

H. Clay Kauffman	A. B. Pieratt	Ed. D. Stone
W. T. Lasley	W. A. Price	Robt. R. Treadway
M. E. Lee	John T. Roach	J. W. Wall
W. R. Lyon	Joe Schneider	W. M. Webb
Dr. C. W. Mathers	L. M. Smith	J. D. Wills
W. J. McMurray	E. D. Smith	E. S. Wood
C. B. Nichols	Claude B. Smith	Louis E. Yewell
William A. Perry	John W. Snider	E. G. Young

—42

And so said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 8, 1916.

The House was opened with prayer by the Rev. Roger T. Nooe, Pastor of the Christian Church, of Frankfort, Kentucky.

The reading of the House Journal of yesterday was dispensed with.

By the unanimous consent of the House the Hon. Stanley Reed, the Hon. Ben L. Bruner and Hon. John P. Haswell, exmembers of this House, were granted the privilege of the floor of the House.

Mr. White moved to expunge from the record the vote by which this House tabled the motion to reconsider the vote by which House Bill 131 fail to pass.

Mr. Speaker Duffy ruled that said motion at this time was out of order and cited House Rule No. 60 in support of his ruling.

Mr. White stated that he would appeal from the decision of the chair, and asked for time to prepare his appeal.

The Speaker designated Mr. Crowe to preside as Speaker pro tem. during the pendency of said appeal.

Mr. Crowe took the chair and presided as Speaker pro tem.

After a time Mr. White announced that he would withdraw the appeal.

Mr. Crowe as Speaker pro tem. vacated the chair.

Mr. Speaker Duffy resumed the chair and the House was then in order.

Mr. Greene moved that this House beginning with today hold three sessions a day until the close of the session excepting Saturday nights, the first session to convene at 10 o'clock a. m. and adjourn at 12 o'clock m., the second session to convene at 2 o'clock p. m. and adjourn at 5 o'clock p. m., and third session to convene at 7 o'clock p. m. and adjourn at 10 o'clock p. m.

Said motion was agreed to.

Mr. Greene moved that the vote by which said motion was agreed to be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Price, of the Committee on Rules, called from the Committee on Appropriations for consideration a resolution of the following title, viz.:

S. Res. 20. Resolution providing for payment of assistants for Printing Commissioner.

Said resolution reads as follows:

Whereas, during the session of the General Assembly it has been impossible for the Commissioner of Public Printing, unaided to expeditiously look after the printing of bills and resolutions, and whereas, during all of the present session of this General Assembly he has had in his office a clerk, assisting him in said work; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Moses R. Glenn, Superintendent of Public Printing, be allowed the sum of $250.00 to be expended by him in payment of help in the care of all printed bills and other matters pertaining to printing during the present session of the General Assembly, said services when obtained to terminate when this General Assembly adjourns.

Mr. Greene moved that said resolution be adopted.

Said motion was agreed to.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	E. Bullock	W. P. Cropper
H. F. S. Bailey	Henry A. Cannon	James S. Cruse
Geo. B. Barrett	Glover H. Cary	H. C. Cummins
C. H. Bays	A. S. Cooper	S. C. Dobbs
Frank J. Brown	S. B. Coleman	Thomas A. Dover

W. E. Dowling	T. R. Jones	Lewis Ryans
William Duffy	W. H. Jones	Joe Schneider
Odie Duncan	Dr. J. E. Lilly	Claude B. Smith
J. R. Durham	Dr. C. W. Mathers	John W. Snider
J. M. Elliston	Jacob Metzger	Thomas Spurrier
T. T. Gardner	Claude D. Minor	Ed. D. Stone
Wm. Gearheart	G. B. Moores	Bannie Tabor
W. G. Gooch	John T. Murphy	R. C. Tartar
Frank C. Greene	B. F. McAtee	F. C. Trivette
C. H. Grimes	W. J. McMurray	J. Wood Vance
J. S. Hall	C. B. Nichols	J. W. Wall
L. B. Hamilton	S. Mazyck O'Brien	W. M. Webb
W. B. Harvey	William A. Perry	Frank M. White
W. C. G. Hobbs	Geo. L. Pickett	M. O. Wilson
A. B. Holland	A. B. Pieratt	E. S. Wood
David J. Howard	W. A. Price	Louis E. Yewell
J. M. Howell	D. S. Richardson	E. G. Young
Chas. L. Hunter	John T. Roach	—68

There voted in the negative—

J. D. Wills —1

And so said resolution was adopted.

Mr. Greene moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Price, of the Committee on Rules, called up for consideration from the clerk's desk a resolution of the following title, viz.:

H. Res. 18. Resolution providing for furnishing Kentucky Directories.

(For said resolution see House Journal of March the 6th.)

Mr. Price moved that said resolution be adopted.

Said motion was agreed to.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. G. Gooch	W. A. Price
H. F. S. Bailey	Frank C. Greene	Richard Radcliffe
Geo. B. Barrett	C. H. Grimes	D. S. Richardson
Frank J. Brown	J. S. Hall	Lewis Ryans
W. H. Brown	L. B. Hamilton	Joe Schneider
E. Bullock	W. C. G. Hobbs	E. D. Smith
Glover H. Cary	A. B. Holland	Claude B. Smith
A. S. Cooper	J. M. Howell	Adam Spahn
S. B. Coleman	Chas. L. Hunter	Thomas Spurrier
W. P. Cropper	R.B.Hutchcraft,Jr.	R. C. Tartar
James S. Cruse	T. R. Jones	J. Wood Vance
H. C. Cummins	W. H. Jones	J. W. Wall
S. C. Dobbs	Dr. J. E. Lilly	W. M. Webb
Jas. R. Dorman	Jacob Metzger	Frank M. White
W. E. Dowling	John T. Murphy	M. O. Wilson
William Duffy	B. F. McAtee	E. S. Wood
Odie Duncan	C. B. Nichols	Louis E. Yewell
J. M. Elliston	S. Mazyck O'Brien	E. G. Young
L. L. Embrey	A. J. Oliver	
Wm. Gearheart	William A. Perry	—58

Those who voted in the negative were—

R. A. Cook	W. R. Lyon	Ed. D. Stone
T. T. Gardner	Dr. C. W. Mathers	J. H. Thompson
David J. Howard	G. B. Moores	J. D. Wills
J. M. Johnson	W. J. McMurray	
H. Clay Kauffman	A. B. Pieratt	—13

And so said resolution was adopted.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 96. An act to prohibit the buying or selling of patients by physicians or surgeons or other persons and defining what shall constitute the buying or selling of patients, and fixing the punishment for a violation of this act.

To the Committee on Kentucky Statutes.

S. B. 189. An act to amend and re-enact section 14 of chapter 469 of the Acts of 1882, the same being an act entitled "An act to provide for the reorganization, maintenance and supervision of common schools in the town of Catlettsburg and vicinity," approved March 18th, 1882, by striking from section fourteen (14) of said act the words "to issue bonds and assume indebtedness to the extent permitted and in the manner provided by sections one hundred and fifty-seven (157) and one hundred and fifty-eight (158) of the present Constitution of this State."

To the Committee on Education.

S. B. 206. An act to give the Commissioner of Agriculture, Labor and Statistics the power to properly police the Kentucky State Fair grounds.

To the Committee on State Fair.

S. B. 250. An act to amend section 538 of the Kentucky Statutes.

To the Committee on Kentucky Statutes.

S. B. 348. An act to amend section 965, Kentucky Statutes, Carroll's edition 1915, relating to time of holding courts in 29th judicial district.

To the Committee on Circuit Courts.

A message was received from the Senate announcing that they had passed a bill originating in the House of the following title, viz.:

H. B. 337. An act to amend an act entitled, "An act concerning notaries public," carried in Session Acts of 1891, 1892 and 1893, as chapter 191 and page 850 thereof.

Also that they had passed a bill originating in the House of the following title, viz.:

H. B. 483. An act repealing Section 4385, Kentucky Statutes, Carroll's edition of 1915, and re-enacting same, so as to give the State Superintendent of Public Instruction authority to appoint additional clerks and stenographers for the State Department of Education, and providing for the payment of said appointees out of the State school fund.

With Senate amendment thereto.

(For said bill see House Journal of February 23rd.)

The amendment proposed to said bill by the Senate is as follows, viz.:

Amend House Bill 483 as follows:

"By inserting the following title, 'An act repealing section 4385 Kentucky Statutes, Carroll's edition of 1915, and re-enacting same, so as to give the State Superintendent of Public Instruction authority to appoint additional clerks and

stenographers for the State Department of Education, and providing for the payment of said appointees out of the State school fund,' before the enacting clause of the said bill, so that said title will be the caption of the said bill."

Mr. T. R. Jones moved that the House concur in the said Senate amendment adopted to said House Bill 483.

Said motion was agreed to.

Said amendment was concurred in.

The question being taken on the passage of said bill as amended, it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. R. Durham	John T. Murphy
H. F. S. Bailey	J. M. Elliston	B. F. McAtee
Geo. B. Barrett	L. L. Embrey	W. J. McMurray
Chas. D. Bratcher	Wm. Gearheart	L. T. Neat
Frank J. Brown	W. G. Gooch	C. B. Nichols
W. H. Brown	Frank C. Greene	S. Mazyck O'Brien
Henry A. Cannon	C. H. Grimes	William A. Perry
Glover H. Cary	L. B. Hamilton	Geo. L. Pickett
R. A. Cook	W. C. G. Hobbs	A. B. Pieratt
A. S. Cooper	David J. Howard	W. A. Price
S. B. Coleman	J. M. Howell	D. S. Richardson
W. P. Cropper	R.B.Hutchcraft,Jr.	John T. Roach
James S. Cruse	R. B. Jackson	Lewis Ryans
H. C. Cummins	T. R. Jones	Joe Schneider
S. C. Dobbs	W. H. Jones	Claude B. Smith
Jas. R. Dorman	Dr. J. E. Lilly	John W. Snider
Thomas A. Dover	Dr. C. W. Mathers	Adam Spahn
William Duffy	Jacob Metzger	Thomas Spurrier

Ed. D. Stone	J. W. Wall	M. O. Wilson
R. C. Tartar	John S. Webb	E. S. Wood
Robt. R. Treadway	W. M. Webb	Louis E. Yewell
J. Wood Vance	Frank M. White	E. G. Young

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Those who voted in the negative were—

T. T. Gardner	Bannie Tabor	J. D. Wills
W. R. Lyon	J. H. Thompson	

—5

A message was received from the Senate announcing that they had passed a bill originating in the House of the following title, viz.:

H. B. 323. An act to enable fiscal courts of any county to select commissioners for the purpose of handling the proceeds of any bond issue voted by the county to build or reconstruct roads and bridges.

With Senate amendment thereto.

(For said bill see House Journal of February 16th.)

The amendment as proposed to said bill by the Senate is as follows:

Amend House Bill 323 by inserting at the end of section one the following:

"Provided, however, that in any county that has already voted a bond issue or shall vote a bond issue before this act takes effect, and the bonds voted have not been issued or sold, the fiscal court may elect to take advantage of the provision of this act, and may appoint commissioner herein provided for at any time without advertisement."

Mr. Cook moved that the House concur in the said Senate amendment adopted to said House Bill 323.

Said motion was agreed to.

Said amendment was concurred in.

The question being taken upon the passage of said bill as amended, it was decided in the affirmative.

The yeas and nays being taken on the passage of said bill as amended, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Wm. Gearheart	John T. Murphy
H. F. S. Bailey	W. G. Gooch	B. F. McAtee
Geo. B. Barrett	Frank C. Greene	W. J. McMurray
C. H. Bays	C. H. Grimes	L. T. Neat
Frank J. Brown	L. B. Hamilton	C. B. Nichols
E. Bullock	W. B. Harvey	S. Mazyck O'Brien
Henry A. Cannon	W. C. G. Hobbs	William A. Perry
Glover H. Cary	A. B. Holland	Geo. L. Pickett
R. A. Cook	David J. Howard	W. A. Price
A. S. Cooper	J. M. Howell	Harry P. Purnell
S. B. Coleman	R.B.Hutchcraft,Jr.	D. S. Richardson
W. P. Cropper	R. B. Jackson	John T. Roach
H. C. Cummins	J. M. Johnson	Lewis Ryans
S. C. Dobbs	T. R. Jones	Joe Schneider
Jas. R. Dorman	W. H. Jones	E. D. Smith
Thomas A. Dover	H. Clay Kauffman	Claude B. Smith
William Duffy	M. E. Lee	Adam Spahn
Odie Duncan	Dr. J. E. Lilly	Thomas Spurrier
J. R. Durham	W. R. Lyon	Ed. D. Stone
J. M. Elliston	Dr. C. W. Mathers	R. C. Tartar
L. L. Embrey	Jacob Metzger	J. H. Thompson
T. T. Gardner	G. B. Moores	Robt. R. Treadway

F. C. Trivette	John S. Webb	E. G. Young	
J. Wood Vance	W. M. Webb		
J. W. Wall	E. S. Wood		—73

Those who voted in the negative were—

A. B. Pieratt	J. D. Wills	—2

Mr. Cook moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had concurred in House amendments two and three to Senate Bill No. 131, and had refused to concur in House amendments to said bill numbers one and four.

Mr. Hobbs moved that Senate Bill 131 and amendments thereto attached be made a special order for tomorrow morning at 11 o'clock.

Said motion was agreed to.

Mr. Price, of the Committee on Rules, called from the Committee on Banks and Banking and the Committee on Alcoholic Liquor Traffic bills of the following numbers, viz.:

H. B. 97 and S. B. 274, which bills were reported by the chairmen of the respective committees as follows:

By Mr. Cary of the Committee on Banks and Banking:

H. B. 97. An act to amend "An act to amend section six hundred and twelve 'a' of the Kentucky Statutes relative to banks and trust companies, and to re-enact the same as

amended," approved March 24th, 1906, and being section 612a, Kentucky Statutes, Carroll's edition 1915.

By Mr. Barrett of the Committee on Alcoholic Liquor Traffic:

S. B. 274. An act to provide means for the analysis and examination, investigation, publication, and other necessary expenses connected with the carrying out of chapter 4 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1908, entitled, "An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violation thereof," and appropriating and limiting the amount of money to be paid from the treasury of the Commonwealth for such work.

Said bills were severely read the first time at length and ordered to be placed in the calendar.

And then the House adjourned.

AFTERNOON SESSION

At 2 o'clock the House reconvened.

Mr. Price, of the Committee on Rules, called from the Committee on State Prisons and Houses of Reform, the Committee on Public Roads and Highways, the Committee on Redistricting Judicial, and the Committee on Rules, bills of the following numbers, viz.: S. B. 104, S. B. 297, H. B. 557, and S. B. 347, which bills were reported by the chairmen of the respective committees as follows:

By Mr. Duffy, of the Committee on State Prisons and Houses of Reform:

S. B. 104. An act providing for the working of prisoners who are confined in the prisons, on State highways and bridges constructed by the Department of Public Roads; providing for the setting apart of a fund from the State road fund, to be used by the Department of Public Roads in building State roads and bridges with convict labor, and to enable said highway department to work said prisoners in the mining, quarrying and manufacturing and preparation of material for building roads and bridges; providing aid and assistants to the Commissioner of Public Roads in the construction of State roads with convict labor and otherwise; providing for the management of prisoners to do State road work and for their supervision and management while so engaged; providing a method of payment for the roads so constructed out of the State road fund, and authorizing the Board of Prison Commissioners to provide means of employment for convicts while not engaged in working on public roads and bridges, and in the manufacturing, quarrying, mining and preparation of road material; providing that the Board of Prison Commissioners may lease farms on which to work convicts, and providing compensation for all prisoners that may work under the supervision of the Board of Prison Commissioners.

By Mr. Coleman, of the Committee on Public Roads and Highways:

S. B. 297. An act to permit counties to vote a tax for the improvement and construction of the public roads and bridges of the county.

By Mr. Hutchcraft, of the Committee on Redistricting, Judicial:

H. B. 557. An act to amend section 965 of the 1909 Carroll's Kentucky Statutes relating to the time of holding circuit courts in the eighteenth judicial district.

By Mr. Price, of the Committee on Rules:

S. B. 347. An act to protect railroad companies in the use and enjoyment of their rights of way by forbidding the condemnation thereof for other purposes.

Said bills were severally read the first time at length and ordered to be placed in the calendar.

The House then took up for consideration from the calendar bills of the following titles, viz.:

S. B. 322. An act creating the State Insurance Board, to supervise the operation of fire insurance rate making bureaus and providing for their examination, prohibiting rebating and discrimination in fixing and collecting fire insurance rates; requiring companies to maintain and co-operate in maintaining and operating rate making bureaus; requiring inspection and survey by such bureaus of all risks specifically rated, and regulating agreements between insurance companies and their insurers with respect to fixing and collecting fire insurance rates; prescribing the powers of fire insurance companies; providing for agents' license and qualifications; protecting against fire insurance in unauthorized companies; providing for the prevention of fire waste and for the establishment of the office of State Fire Marshal, fixing salaries and expenditures and prescribing duties; prohibiting over-insurances; providing for, organizing and regulating certain kinds of insurance upon the mutual, reciprocal or inter-insurance plan, empowering corporations to participate therein; providing penalties for violation; providing conditions under which insurance may be effected upon the Lloyd's plan, and penalty for violation thereof, and repealing existing statutes.

S. B. 316. An act in relation to pandering; to define and prohibit the same; to provide for the punishment thereof; for

the competency of certain evidence at and the venue of the trial thereof.

H. B. 556. An act to amend and re-enact chapter 23a section 418a, Kentucky Statutes, Carroll's edition 1915, which is an Act of 1912, dividing the State of Kentucky into eleven Congressional Districts.

H. B. 486. An act to provide for the compulsory education of deaf mutes, and providing penalties for a violation thereof.

H. B. 552. An act to amend an act entitled, "An act to make it unlawful for any common carrier of passengers in this State to issue or give, and for any person to accept or use, or attempt to use, except as provided in this act, any free pass or free transportation; and requiring such carriers to file in the office of the Attorney General verified reports of free passes or free transportation issued, and prescribing penalties for violations of its provisions," and enacted by the Kentucky Legislature of 1916, and approved February 10, 1916.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were read the second time by their titles, and ordered to be placed in the orders of the day.

Mr. Price, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

S. B. 40. An act to provide an elective system of workmen's compensation for industrial accidents, prescribing the manner of election and the rights and liabilities of employers, employes and third parties; making provision for medical and surgical care of injured employes; establishing rates of com-

pensation for personal injuries or death; providing methods of insuring and securing the payments of such compensation; making minors *sui juris* for certain purposes; creating a board to administer this act, prescribing the duties, powers and rights thereof and imposing a tax upon insurance premiums, also a tax upon employers who carry their own risk for the maintenance of such board and providing a system of appeal to the courts from the decisions of such board; prescribing certain penalties, with an emergency clause, and appropriating certain sums to meet the expense of putting this act into effect, and repealing all laws and parts of laws in conflict herewith, to the extent of such conflict.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This act shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture or those common carriers for which a rule of liability is provided by the laws of the United States. It shall affect the liability of employers subject thereto to their employes for personal injuries sustained by the employe by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that personal injuries by accident, as herein defined, shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall they include the results of a pre-existing disease, although aggravated or accelerated by an accident.

Any employers and employes who are, by the provisions of this section, excepted from the provisions of this act, may

subject themselves thereto by joint voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated.

§ 2. The term "employer" as used in this act shall be construed to include municipal corporations and any political sub-division or corporation thereof, and any election with reference to this act shall be exercised by the law-making or other governing body thereof; provided, however, that nothing contained in this act shall be construed as amending or repealing any statute or ordinance relating to associations or funds for the relief, pensioning, retirement or other benefit of any employes of such municipal employer, or of the widows, children or dependents of such employes, or as in any manner interfering with the same as now or hereafter established, but any such employe, their widows, children or dependents, who shall claim compensation under this act, shall have deducted therefrom any sums to which they may be entitled from any pension or other benefit fund to which the municipal employer contributes.

§ 3. Where, at the time of the injury, both employer and employe have elected to furnish or accept compensation under the provisions of this act for a personal injury, received by an employe by accident and arising out of and in the course of his employment, or for death resulting from such injury, within two years thereafter, the employer shall be liable to provide and pay compensation under the provisions of this act and shall be released from all other liability, whatsoever; provided, however, that if injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe or his dependents as herein defined shall have the privilege to take under this act, or in lieu thereof to have a cause of action at law against such employer

as if this act had not been passed, for such damages so sustained by the employe, his dependents or personal representative as may be recoverable at law. If a suit is brought under this section, all right to compensation under the provisions of this act shall thereby be waived and void as to all persons, and if a claim is made for the payment of compensation or any other benefit provided by this act, all rights to sue the employer for damages on account of such injury or death shall thereby be waived and void as to all persons.

Notwithstanding anything hereinbefore or hereafter contained, no employe or dependent of any employe shall be entitled to receive compensation on account of any injury to or death of an employe caused by a wilfully self-inflicted injury, wilful misconduct or intoxication of such employe.

§ 4. In addition to all other compensation herein provided, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding ninety days unless the board shall, by order made within that time, otherwise direct, not exceeding a total expense to the employer of more than $100 on account of the benefits provided by this section, to cure and relieve from the effects of the injury shall be furnished by the employer, and, in case of his refusal or neglect reasonably to do so, the employer shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employe in providing the same.

In the event of an emergency, the employe shall have the right to call in any available physician or surgeon to administer such first aid as may be reasonably necessary at the expense of the employer within the limits of this section.

§ 4a. In all claims for hernia resulting from injury re-

ceived in the course of and resulting from the employe's employment, it must be definitely proved to the satisfaction of the board:

First. That there was an injury resulting in hernia.

Second. That the hernia appeared suddenly and immediately followed the injury.

Third. That it was accompanied with pain.

Fourth. That the hernia did not exist in any degree prior to the injury for which compensation is claimed.

In all such cases where liability for compensation exists, the employer shall provide competent surgical treatment by radical operation, the limits of benefits payable under section 4 hereof being increased to two hundred dollars in such cases, if the operation is performed. In case the injured employe refuses to submit to the operation, the employer shall have the right to a medical examination as provided in section 37 hereof. If it be shown by such examination that the employe has any chronic disease or is otherwise in such physical condition so as to render it more than ordinarily unsafe to submit to such operation, he shall, if unwilling to submit to the operation, be entitled to compensation for disability under the general provisions of this act. If the examination does not disclose the existence of disease or other physical condition rendering the operation more than ordinarily unsafe and the employe, with knowledge of the result of such examination, thereafter refuses to submit to such operation, he shall be entitled to compensation for disability under the general provisions of this act for not exceeding one year.

If the employe submits to the operation, he shall, in addition to the surgical benefits herein provided for, be en-

titled to compensation for 26 weeks. If the hernia result in death within one year after it is sustained, or the operation result in death, such death shall be deemed a result of the injury causing such herina and compensated accordingly under the provisions of this act. This paragraph shall not apply where the employe has refused to submit to an operation which has been found, by the examination herein provided for, not to be more than ordinarily unsafe.

§ 5. If it be shown that the employer is furnishing the requirements provided by section 4 hereof in such manner that there is reasonable ground for believing that the life, health or recovery of the employe is being endangered or impaired thereby, the board may order a change in the physician or other requirement, and if the employer fail promptly to comply with such order after receiving it, may permit the employe or some one for him to provide the same at the expense of the employer under such reasonable regulations as may be provided by the board.

No action shall be brought against any employer subject to this act by any employe or other person to recover damages for malpractice or improper treatment received by such employe from any physician, hospital or attendant thereof.

§ 6. All fees and charges under sections 4 and 5 shall be fair and reasonable, shall be subject to regulation by the board and shall be limited to such charges as are reasonable for similar tratment of injured persons of a like standard of living in the same community and where such treatment is paid for by the injured person himself. In determining what fees are reasonable, the board may also consider the increased security of payment afforded by this act.

Where such requirements are furnished by a public hospital or other institution, payment thereof shall be made to

the proper authorities conducting same. No compensation shall be payable for the death or disability of an employe if his death is caused, or if and in so far as his disability may be aggravated, caused or continued, by an unreasonable refusal, failure or neglect to submit to or follow any competent surgical treatment or medical aid or advice.

§ 7. Except as provided in sections 4 and 5 hereof, no compensation shall be payable for the first two weeks of disability, and all compensation shall be payable on the regular pay-day of the employer, commencing with the first regular pay-day after two weeks after the injury, with interest at the rate of 6 per cent per annum on each instalment from the time it is due until paid.

§ 8. Employers who hire employes within this State to work in whole or in part without this State, may agree in writing with such employes to exempt from the operation of this act injuries received outside of this State; in the absence of such an agreement, the remedies provided by this act shall be exclusive as regards injuries received outside this State, upon the same terms and conditions as if received within this State.

§ 8a. No contract or agreement, written or implied, no rule, regulation or other device, shall in any manner operate to relieve any employer in whole or in part of any obligation created by this act except as herein provided.

§ 9. Whenever an injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employe may at his option either claim compensation or proceed at law by civil action against such other person to recover damages or proceed against both the employer and

such other person, but he shall not collect from both, and if compensation is awarded under this act the employer having paid the compensation or having become liable therefor, may collect in his own name or that of the injured employe from the other person in whom legal liability for damages exists the indemnity paid or payable to the injured employe.

§ 10. A principal, intermediate, or sub-contractor shall be liable for compensation to any employe injured while in the employ of any one of his intermediate or sub-contractors and engaged upon the subject matter of the contract, to the same extent as the immediate employer. Any principal, intermediate or sub-contractor who shall pay compensation under the foregoing provision may recover the amount paid from any subordinate contractor through whom he may have been rendered liable under this section.

Every claim to compensation under this section shall in the first instance be presented to and instituted against the immediate employer, but such proceeding shall not constitute a waiver of the employe's rights to recover compensation under this act from the principal or intermediate contractor, provided that the collection of full compensation from one employer shall bar recovery by the employe against any others, nor shall he collect from all a total compensation in excess of the amount for which his immediate employer is liable.

This section shall apply only in cases where the injury occurred on, in or about the premises on which the principal contractor has undertaken to execute work or which are under his control otherwise or management.

§ 11. A minor, except where employed in wilful violation of any law of this State regulating the employment of minors, shall be deemed *sui juris* for the purposes of this act, and no other person shall have any cause of action or right to com-

pensation for an injury to or death of such minor employe or loss of service on account thereof, by reason of the minority of such employe. In the event of the award of a lump sum of compensation to such minor employe, payment shall be made to the guardian of such minor.

§ 12. If death results within two years from an accident for which compensation is payable under this act, the employer or his insurer shall pay to the persons entitled to compensation, or, if none, then to the personal representative of the deceased employe reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $75, and shall also pay to or for the following persons compensation as follows, to-wit:

(1) If there are no dependents, as herein defined, there shall be paid, in addition to the burial expenses and medical expenses, if any, otherwise provided for herein, the further sum of $100, payment to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons, 65% of the average weekly earnings of the deceased employe, but not to exceed $12 nor less than $5 per week, shall be payable, all such payments to be made for the period between the date of death and 335 weeks after the date of accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $4,000.

(3) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe may be proportionate to total dependency, all such payments to be made for the period between the date of death and 335 weeks after the date of the accident to the deceased employe, or until the intervening termination of

dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $4,000.

Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency shall not have existed for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as may be fair and reasonable thereunder.

(4) All relations of dependency herein referred to shall be construed to mean dependency existing at the time of accident to the employe.

§ 13. The following persons shall be presumed to be wholly dependent upon a deceased employe: (a) A wife upon a husband whom she has not voluntarily abandoned at the time of the accident; (b) A husband incapaciated from wage earning, upon a wife whom he has not voluntarily abandoned at the time of the accident to the wife; (c) A child or children under the age of sixteen years, or over sixteen years if incapaciated from wage earning, upon the parent with whom such child or children are living, or by whom actually supported at the time of the accident. In all other cases the relation of dependency, in whole or in part, shall be determined in accordance with the facts of each case existing at the time of the accident, but no person shall be considered a dependent in any degree unless he be living in the household of the employe at the time of the accident, or unless such person bears to the employe the relation of father, mother, husband or wife, father-in-law or mother-in-law, grandfather or grandmother, child or grandchild, or brother or sister of the whole or half blood.

Compensation to any dependent shall cease at the death or legal or common law marriage of such dependent, and upon the cessation of compensation to or on account of any person, the compensation of the remaining persons entitled to compensation shall, for the unexpired period during which their compensation is payable, be that which such persons would have received during such unexpired period if they had been the only persons entitled to compensation at the time of the accident.

§ 14. As used in this act, the term "child" includes step-children, legally adopted children, posthumous children and recognized illegitimate children, but does not include married children unless actually dependent.

The terms "brother" and "sister" include step-brothers, step-sisters and brothers and sisters of the half-blood or by adoption, but excludes married brothers or sisters unless actually dependent. The term "grandchild" includes children of adopted children and children of step-children, but excludes step-children of children or of adopted children and married children. The term "parent" includes step-parents and parents by adoption. The words "adopted" and "adoption" as herein used include cases where the persons are legally adopted.

§ 15. Payment of death benefits, in good faith, to a supposed dependent or to a dependent subsequent in right to another or other dependents shall protect and discharge the employer and insurer unless and until the lawful dependent or dependents prior in right shall have given the employer or insurer written notice of his or their claim. In case the employer or insurer is in doubt as to who are dependents or as to their respective rights, the board shall, on application, decide and direct to whom payment shall be made, and payment made under such direction shall release the employer

and insurer from all liability; provided, however, that if an appeal be taken from the order of the board directing payment, persons receiving payment under such order shall be required to furnish bond for the protection of adverse claimants pending the outcome of the proceedings.

In case death occurs as a result of the injury, after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death respectively stated in section 12 hereof.

§ 16. Where the injury causes total disability for work, the employer, during such disability, except the first two weeks thereof, shall pay the employe so injured a weekly compensation equal to 65% of his average weekly earnings, not to exceed $12 nor less than $5 per week, such payments to be made during the period of total disability but not longer than eight years after the date of the injury nor in any case to exceed the maximum sum of $5,000. In case the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of eight years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $5,000.00.

In case of the following injuries, the disability shall be deemed total and permanent, to-wit:

(1) The total and permanent loss of sight in both eyes.

(2) The loss of both feet at or above the ankle.

(3) The loss of both hands at or above the wrist.

(4) A similar loss of one hand and one foot.

(5) An injury to the spine resulting in permanent and complete paralysis of both arms or both legs or of one arm and one leg.

(6) An injury to the skull resulting in incurable insanity or imbecility.

The above enumeration is not to be taken as exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

§ 17. In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, except the first two weeks thereof, a weekly compensation equal to 65% of the difference between his average weekly earnings before the injury and the average weekly earnings which he earns or is able to earn in some suitable employment after the injury and during such disability, not to exceed 335 weeks from the date of injury nor exceeding the sum of $12 per week nor the maximum sum of $4,000. In case partial disability follows a period of total disability, such period of total disability shall be deducted from the maximum period allowed for partial disability and the benefits paid on account thereof from the maximum allowed for partial disability.

§ 18. For injuries enumerated in the following schedule, the employe shall receive in lieu of all other compensation, except such as may be payable under sections 4 and 5 hereof, a weekly compensation equal to 65% of his average weekly earnings, but not less than $5 per week nor exceeding $12 per week, for the respective periods stated therein, to-wit:

For the loss of a thumb, 65% of the average weekly wages during 60 weeks.

For the loss of a first finger, commonly called the index finger, 65% of the average weekly wages during 35 weeks.

For the loss of a second finger, 65% of the average wages during 30 weeks.

For the loss of a fourth finger, commonly known as the little finger, 65% of the average wages during 15 weeks.

The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third, or distal phalange, of any finger, shall be considered to be equal to the loss of one-third of such finger.

The loss of the middle, or second phalange, of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a metacarpel bone (bone of palm) for the corresponding thumb, finger or fingers above, add ten weeks to the number of weeks as above.

For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand, 65% of the average weekly wages during 150 weeks.

For the loss of an arm, 65% of the average weekly wages during 200 weeks.

For the loss of one of the toes, other than the great toe, 65% of the average weekly wages during 10 weeks.

For the loss of the great toe, 65% of the average weekly wages during 30 weeks.

The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe. For the loss of a foot, 65% of the average weekly wages during 125 weeks.

For the loss of a leg, 65% of the average weekly wages during 200 weeks, or the total and permanent loss of the sight of an eye, 65% of the average weekly wages during 100 weeks.

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury; the compensation paid therefor shall be 65% of the average weekly earnings of the employe, but not less than $5 nor more than $12, multiplied by the percentage of disability caused by the injury, for such period as the board may determine, not exceeding 335 weeks nor a maximum sum of $4,000. Whenever the weekly payments under this para-

graph would be less than $3 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in sections 4 and 5 of this act, is paid under any other provision of this act, the period during which such other compensation is paid and the amount thereof shall be deducted respectively from the maximum period and maximum amount which may be paid under this paragraph.

§ 19. If an injured employe refuses employment reasonably suited to his capacity and physical condition procured for him, he shall not be entitled to compensation during the period of such refusal unless, in the opinion of the board, such refusal was justifiable.

§ 20. If a previously injured employe sustains a subsequent injury which results in a condition to which both injuries, or their effects, contribute, the employer in whose employment the subsequent injury is sustained shall be liable only for the compensation to which such resulting condition entitles the employe, less all compensation which the provisions of this law would have afforded on account of the prior injury or injuries had they been compensated for thereunder.

§ 21. Upon its own motion or upon the application of any party interested and a showing of change of conditions, mistake or fraud, the board may at any time review any award or order, ending, diminishing or increasing the compensation previously awarded, within the maximum and minimum provided in this act, or change or revoke its previous order, sending immediately to the parties a copy of its subsequent order or award. Review under this section shall be had upon notice to the parties interested and shall not affect the previous order or award as to any sums already paid thereunder.

§ 22. Aliens and their dependents shall be entitled to

compensation under this act upon the same terms as citizens. The payment to the consular representative of the nation of which any dependent of a deceased employe is a citizen or subject, or to the authorized agent or representative of such official residing in this State of any compensation due under this act to any dependent residing outside the United States, any power of attorney to receive or receipt for the same to the contrary notwithstanding, shall be a full discharge of liability for such payment.

§ 23. Any notice required to be given under this act shall be deemed to have been properly given and served when deposited in the mail in a registered letter or package properly stamped and addressed to the person to whom notice is to be given at his last known address and in time to reach him in due time to act thereon. Notice may also be given and served in like manner as are notices in civil actions.

Any notice, given and served as provided in this section, to the consular representative of the nation of which any nonresident dependent of a deceased employe is a citizen or subject or to the authorized agent or representative of any such official residing in this State, shall be deemed to have been properly given and served upon such dependent.

§ 24. For the purposes of this act, averages weekly earnings shall be computed by dividing by 52 the annual earnings computed as follows:

(A) If the employe is paid by the year, take his yearly wages at the time of the injury.

(B) If the employe is paid by the month, multiply his monthly wages at the time of the injury by the number of months customarily worked in a year at the occupation at

which he was working at the time of the injury by employes of his grade and class of service.

(C) If the employe is paid by the week, multiply his weekly wages at the time of the injury by the number of weeks customarily worked in a year at the occupation at which he was working at the time of the injury by employes of his grade and class of service.

(D) If the employe is paid by the day, multiply his daily wage at the time of the injury by the number of days customarily worked in a year at the occupation at which he was working at the time of the injury by employes of his grade and class of service.

(E) If the employe is paid by the hour, multiply his hourly wage at the time of the injury by the number of hours customarily worked in a day at the occupation at which he was working at the time of the injury by employes of his grade and class of service and then proceed as in (D).

(F) If the employe is paid by his output, find his hourly wage at the time of the injury by dividing the total amount earned by him in the employment in which and at the rate of pay at which he was employed at the time of the injury during so much of the preceding thirty days next preceding the injury, including the day of the injury, as he was so employed by the number of hours so employed during such thirty days; then proceed as in (E).

(G) If any of the foregoing methods of arriving at the annual wages of an injured employe cannot reasonably and fairly be applied, such annual wages shall be taken to be the amount earned as wages by the average employe in the same or most similar grade and class of service in the same or most similar occupation as that in which the injured em-

ploye was working at the time of the injury; provided, however, that where by reason of the workman's age, health, or habits the application of the foregoing methods of computing average earnings does not fairly measure the probable wage loss that will result from the injury, such other method may be resorted to as is best calculated to arrive at one fifty-second of the average annual amount which the workman would probably have earned after the time of the accident if he had remained uninjured.

(H) The reasonable value of board, rent, housing, lodging and fuel which are received by the employe as a part of the remuneration from the employer and which can be estimated in money, shall be included as a part of the annual wages.

(I) In seasonal occupations, for temporary disabilities lasting less than a year, the average weekly wages may be taken at the actual wage at the time of injury for the rest of the working season, and thereafter at such wages as may actually be earned by the average employe in the same or most similar grade or class of service in other occupations furnishing temporary employment during the dull season. In seasonal occupations for all disabilities lasting more than a year, to the average annual wages which might be earned during the working season in the occupation at which the employe was engaged at the time of injury shall be added the average annual wages which may be earned during the dull season by the average employe in the same or most similar grade or class of service in other occupations furnishing temporary employment.

(J) If the employe, at the time of the injury, is regularly employed in a higher grade of work or occupation than formerly during the year and with larger regular wages, only such higher grade of work or occupation, if the same

be not seasonal, shall be taken into consideration in computing his average weekly wages.

§ 25. Any payments made, or the value of supplies furnished by the employer or his insurer during the period of disability, to the employe or his dependents, which by the terms of this act were not due or payable when made or furnished, may, with the approval of the board, be deducted from the amount payable as compensation.

The board may, on the application of either party, in its discretion and having regard both to the welfare of the employe and the convenience and financial ability of the employer, authorize compensation to be paid monthly or quarterly.

§ 26. Whenever compensation has been paid for not less than six months thereafter, on the application of either party and upon notice to the other party, in any case where the board may determine that it will be for the best interests of either party and will not subject the employer or his insurer to an undue risk of overpayment, future payments of compensation or any part thereof may be commuted to a lump sum of an amount which will equal the total sum of the probable future payments so commuted, discounted at 5% per annum on each payment. Upon payment of such lump sum, all liability for the payments therein commuted shall cease.

§ 27. Whenever for any reason the board may deem it expedient, any lump sum which is paid as provided in section 26 hereof shall be paid to any suitable person or corporation appointed by the judge of the county court of the county of the residence of the injured employe, or of his dependents, as trustee to administer or apply the same for the benefit of the person or persons entitled thereto. The receipt of such

trustee for the amount so paid to him or it shall discharge the employer and his insurer. Except as otherwise herein specifically provided, the manner of qualification and the rights, duties and liabilities of such trustee shall be determined by the general laws of this State.

§ 28. The benefits in case of death shall be paid to such one or more dependents of the deceased employe, for the benefit of all the dependents entitled thereto, as may be determined by the board. The dependents to whom payments are made shall apply the same to the use of the several persons thereto entitled under this act, according to their respective claims on the deceased for support. The compensation of an insane person shall be paid to his or her committee.

In cases where the dependents are a widow, or other head of a family of minor children, and one or more minor children, it shall be sufficient for the widow or head of such family to make application for compensation on behalf of all, and in cases where the dependents are mentally incapacitated or are minors the head of whose family is not a dependent, the application may be made by the committee, guardian or next friend of such dependents.

§ 29. Where an accident is caused in any degree by the intentional failure of the employer to comply with any specific statute or lawful regulation made thereunder, communicated to such employer and relative to installation or maintenance of safety appliances or methods, the compensation for which the employer would otherwise have been liable under this act shall be increased 15% in the amount of each payment; where the accident is caused in any degree by the intentional failure of the employe to use any safety appliance furnished by the employer, or to obey any lawful and reasonable rule, order or regulation of the board or the employer

for the safety of employes or the public, the compensation for which the employer would otherwise have been liable under this act shall be decreased 15% in the amount of each payment; provided, however, that nothing in this section shall be construed to conflict with or impair any of the provisions of section 3 of this act.

§ 30. In case any minor employe who is injured or killed is, at the time of such injury, employed in wilful and known violation by the employer of any law of this State regulating the employment of miners, his statutory guardian, or personal representative of the minor so killed, may claim compensation under the terms of this act or may sue to recover damages as if this act had not been passed. If a claim to compensation be made under this section, the making of such claim shall be a waiver and bar to all rights of action on account of said injury or death of said minor as to all persons, and the institution of an action to recover damages on account of such injury or death shall be a waiver and bar of all rights to compensation under this act.

§ 31. All rights of compensation granted by this act shall have the same preference or priority for the whole thereof against the assets of the employer as is allowed by law for any unpaid wages for labor.

§ 32. No claim for compensation under this act shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors.

PROCEDURE TO OBTAIN COMPENSATION.

§ 33. No proceeding under this act for compensation for an injury or death shall be maintained unless a notice of the accident shall have been given to the employer as soon as practicable after the happening thereof, and unless a claim for compensation with respect to such injury shall

have been made within one year after the date of the accident, or, in case of death, within one year after such death, whether or not a claim has been made by the employe himself for compensation. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by some one in his behalf. If payments of compensation, as such, have been made voluntarily, the making of a claim within such period shall not be required, but shall become requisite following the suspension of such voluntary payments.

§ 34. Such notice and such claim shall be in writing, and the notice shall contain the name and address of the employe, and shall state in ordinary language, the time, place of occurrence, nature and cause of the accident, with names of witnesses, the nature and extent of the injury sustained, and the work or employment in which the employe was at the time engaged, and shall be signed by him or a person on his behalf, or, in the event of his death, by any one or more of his dependents or a person on their behalf. The notice may include the claim.

§ 35. Any such notice or claim shall be given to the employer, or if the employer be a partnership, then to any one of the partners. If the employer be a corporation, then the notice may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation, or any agent of the corporation in charge of the business at the place where the injury occurred. Such notice or claim may be given by delivery to any of such persons or in the manner provided in section 23 hereof.

§ 36. Such notice shall not be held invalid or insufficient by reason of any inaccuracy in complying with section 34 hereof, unless it be shown that the employer was in fact misled to his injury thereby. Want of notice or delay in giving

notice shall not be a bar to proceedings under this act if it be shown that the employer, his agent or representative, had knowledge of the injury, or that such delay or failure to give notice was occasioned by mistake or other reasonable cause.

§ 37. After an injury and so long as compensation is claimed, the workman, if so requested by his employer or the board, shall submit himself to examination, at reasonable times and places, to a duly qualified physician or surgeon designated and paid by the employer. The employe shall have the right to have a duly qualified physician or surgeon designated and paid by himself present at such examination, which right, however, shall not be construed to deny to the employer's physician or surgeon the right to visit the injured employe at all reasonable times and under all reasonable conditions. If an employe refuses to submit himself to or in any way obstructs such examination his right to take or prosecute any proceedings under this act shall be suspended until such refusal or obstruction ceases and no compensation shall be payable for the period during which such refusal or obstruction continues.

§ 38. No limitation of time provided in this act shall run against any person who is mentally incompetent or who is a minor dependent, so long as he has no committee, guardian or next friend.

ADMINISTRATION.

§ 39. A board is hereby created, to be known as the Workmen's Compensation Board,'' which shall consist of three members appointed by the Governor. Each member of the board shall hold office for four years and until his successor shall have been appointed and qualified, except that when the board is first created, one member shall be appointed for two years, one for three years and one for four years. Thereafter, upon the expiration of the term of any

member, his successor shall be appointed for a full term of four years. Of the board as first constituted, the member appointed for two years shall be chairman during his term, the member appointed for three years during the third year and the member appointed for four years during the fourth year. Thereafter, the senior member in length of service on the board in his current term in any given year shall be chairman during that year.

Vacancies on the board shall be filled by appointment for the remainder of the unexpired term, but no vacancy shall impair the rights of the remaining members to exercise all the powers of the board, nor shall relieve such members from discharging all the duties of the board during such vacancy. In the event of a vacancy, the appointee for the unexpired term shall not succeed his predecessor in the chairmanship of the board; such other member as would, but for the vacancy, have been chairman shall at once succeed to the unexpired chairmanship, when a vacancy occurs therein, in addition to the year's chairmanship to which he would otherwise have been entitled.

§ 40. No person shall be eligible to appointment as a member of the board unless he shall be at least thirty years of age, a resident of Kentucky not less than three years consecutively next preceding his appointment, and of good moral character,

No person accepting appointment as a member of the board and qualifying as such shall be eligible to election or appointment to any public office during any calendar year which shall include any part of the term of membership on the board for which he may have been appointed and qualified and in which such election shall be held or appointment made. Resignation from membership on the board shall not relieve such member from any of the provisions of this sec-

tion and the acceptance of appointment and qualifications as a member of the board shall constitute a valid waiver of any and all statutory or constitutional rights to or eligibility for holding any other public office during such time.

§ 41. The Governor may, at any time, remove any member of the board for inefficiency, neglect of duty, misconduct in office or political activity, or if he become ineligible as defined in section 40, giving him in advance a copy of the charges preferred and an opportunity of being publicly heard, in person or by counsel, upon not less than ten days' notice. A representative of the Attorney General's office shall attend such proceedings, and, upon the Governor's request, shall advise or assist him therein. Either party may procure the attendance of witnesses and their testimony as is now provided by the Civil Code in ordinary actions.

If such member be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his findings thereon, together with a complete record of the proceedings had and transcript of testimony heard, the same to constitute a public record of the Commonwealth. Any member of the board may also be removed by the Senate, by impeachment under the same procedure as is now provided by law.

§ 42. The salary and expenses of the board with their assistants and employes shall be paid out of the maintenance fund provided for in section 85 hereof; the annual salary of each member shall be three thousand five hundred dollars. The board may appoint a secretary at a salary of not more than twenty-five hundred dollars a year and a medical director and such other assistants and employes as are necessary to the proper administration of this act, at salaries to be fixed by the board and approved by the Governor; provided, however, that such salaries shall in no case exceed $75

per month to any stenographer, $100 per month to any clerical employe, $150 per month to any other employe or assistant, or $3,000 per year to the medical director, who shall be a reputable licensed and practicing physician and surgeon of the professional education, training or qualifications requred by law for admission to practice in this State. The board may at any time remove any of its appointees upon filing with the Secretary of State a full written statement of its reasons for such removal.

§ 42a. Members of the "Workmen's Compensation Board" shall be considered as officers, and shall take the oath prescribed by the Constitution and laws of Kentucky, and shall give bond in the sum of $10,000 of a surety company authorized to do business in the State, for the faithful performance of their duties, which bonds shall be approved by the Governor and kept on file in the office of the Secretary of State, and any action on said bonds for breach thereof shall be instituted by special counsel employed by the Governor and shall be in the name of the Commonwealth. The premium upon said bonds shall be paid out of the maintenance fund.

§ 42b. The board and their employes or authorized representatives shall, for such traveling as is necessitated by the discharge of their official duties, be allowed transportation actually paid for, not exceeding the regular fare over the most direct route, and meals and lodging actually paid for, not exceeding three dollars per day.

§ 43. The board shall keep and maintain its main offices in Frankfort, Kentucky, using suitable rooms and offices belonging to the State, and shall be provided necessary office furniture to be paid for out of the State Treasury. The board shall provide necessary supplies, books, periodicals and maps and shall provide itself with a seal for the authentication of

its orders, awards, or proceedings, on which shall be inserted the words "Workmen's Compensation Board, State of Kentucky, Official Seal." The board may hold sessions at any place within the State where necessary and shall have power to sue or institute legal proceedings in any court of the Commonwealth, under existing laws as to jurisdiction of actions; unless consented to by the board, all actions or proceedings against it or a member thereof in his official capacity as such, shall be brought in the courts of the county of Franklin.

§ 44. The board shall fix and adopt at least one day of the week on which regular meetings shall be held bi-weekly for the transaction of all business, a quorum of the board to be present at its main offices not later than 11:00 a. m., and remaining at the office, or available thereto, until 5:00 p. m. of such day. When necessary, the chairman shall call the board together at any time during business hours on any other day, to consider and transact any business which may be before it. All proceedings of the board shall be recorded in a book kept for that purpose by the secretary, which shall constitute a public record and shall contain an entry of each case, claim or proceeding considered, heard or passed upon by the board or a member thereof, with the award, finding or decision made thereon.

§ 45. For the purposes of this act, the State of Kentucky is hereby divided into three districts, to be known respectively as the Eastern, Central and Western Districts. The Eastern District shall contain the counties of Bath, Bell, Boyd, Bourbon, Bracken, Breathitt, Clay, Clark, Carter, Elliott, Estill, Fleming, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Letcher, Leslie, Lewis, Mason, Martin, Magoffin, Madison, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owsley, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Whitley, Wolfe; the Central District, the counties of Anderson,

Adair, Boone, Boyle, Campbell, Carroll, Casey, Clinton, Cumberland, Fayette, Franklin, Garrard, Gallatin, Grant, Green, Harrison, Henry, Jefferson, Jessamine, Kenton, Lincoln, Marion, Mercer, Nelson, Oldham, Owen, Pendleton, Russell, Scott, Shelby, Spencer, Taylor, Trimble, Wayne, Washington, Woodford; the Western District, the counties of Allen, Barren, Ballard, Butler, Breckinridge, Bullitt, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hardin, Hart, Hancock, Henderson, Hopkins, Hickman, Larue, Livingston, Logan, Lyon, Marshall, McCracken, Meade, Metcalfe, McLean, Monroe, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Webster, Warren. One member of the board, as first constituted, shall be appointed for each district, the successors of each to thereafter be appointed from such district. During his term of office, each member shall maintain his residence at some point in his district and shall adopt and maintain office hours for at least one day of the week at some point in his district, during usual business hours; the place, day and time of maintaining such office hours and the place of residence of the member shall be shown upon the official stationery used by him in his district.

§ 46. A majority of the board shall constitute a quorum for the transaction of business, and vacancies shall not impair the right of the remaining members to exercise all the powers of the full board, so long as a majority remains. Any investigation, inquiry or hearing which the board is authorized to hold or undertake may be held or undertaken by or before any one member of the board, or a referee acting for him, under authorization of the board. All investigations, inquiries, hearings and decisions of the board, and every order made by a member thereof, when approved by a majority of the members, and so shown on a record of its proceedings, shall be deemed to be the order of the board.

§ 47. The board may make rules not inconsistent with this act for carrying out the provision of this act. Processes and procedure under this act shall be as summary and simple as reasonably may be. The board or any member thereof shall have the power for the purpose of this act to subpoena witnesses, administer or cause to have administered oaths, and to examine or cause to have examined such parts of the books and records of the parties to a proceeding as relate to questions in dispute.

The county sheriff shall serve all subpoenas of the board and shall receive the same fees as now provided by law for like service in civil actions; each witness who appears in obedience to such subpoena of the board shall receive for attendance the fees and mileage for witnesses in civil cases in the courts.

The circuit court shall, on application of the board, or any member thereof, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records.

§ 48. If the employe and employer reach an agreement, conforming to the provisions of this act, in regard to compensation, a memorandum of the agreement shall be filed with the board, and, if approved by it, shall be enforceable in like manner as is herein provided for the enforcement of awards of the board. Nothing herein shall prevent the voluntary payment of compensation in the amounts and for the periods herein prescribed, without formal agreement, but nothing shall operate as a final settlement except a memorandum of agreement filed with and approved by the board in accordance with this section, or the expiration of the time limit hereinbefore prescribed in section 33.

§ 49. If the parties fail to reach an agreement in re-

gard to compensation under this act, or if they have previously filed such an agreement with the board and compensation has been paid or is due in accordance therewith and the parties thereafter disagree, either party may make written application to the board for a hearing in regard to the matter at issue and for a ruling thereon. Such application for a hearing must be filed as soon as is practicable after disagreement, or after the cessation of voluntary payments, if any have been made.

As soon as possible after such application has been received the board shall set the date for a hearing, to be held as soon as is practicable in view of the matter involved, and shall notify the parties at issue of the time and place of such hearing.

Unless otherwise agreed to by the parties and authorized by the board, the hearing shall be held at or convenient to the place where the injury was sustaind or the ground for disagreement occurred.

In advance of directing a hearing, the board, or a member thereof, or referee authorized by the board, may confer informally with the parties at issue in an attempt to assist in adjusting their differences, but may not delay the granting of a hearing, over the objection of either party, for such purpose.

§ 50. The board, or any of its members, shall hear the parties at issue and their representatives and witnesses and shall determine the dispute in a summary manner. The award, together with a statement of the findings of fact, rulings of law and any other matters pertinent to the question at issue shall be filed with the record of proceedings, and a copy of the award shall immediately be sent to the parties in dispute.

§ 51. If an application for review is made to the board within seven days from the date of the award, the full board, if the first hearing was not held before the full board, shall review the evidence, or, if deemed advisable, as soon as practicable, hear the parties at issue, their representatives and witnesses and shall make an award and file the same in like manner as specified in the foregoing section.

If a party introduce at a hearing before the full board a witness whose testimony at the original hearing appears in the transcript of evidence taken thereat, the costs accruing through the attendance of such witness and the transcribing of his testimony at the second hearing shall be borne by the party introducing him at such hearing, regardless of the outcome of the controversy.

§ 52. An award, or order of the board, as provided in section 50, if application for review be not filed as therein provided, or an award or order of the board upon review as provided in section 51, shall be conclusive and binding as to all questions of fact, but either party may, within twenty days after the rendition of such final order or award of the board, file in the circuit court a petition for the review of such order or award, the board and the adverse party being made respondents. Such petition shall state fully the grounds upon which a review is sought, assign all errors relied on and shall be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing same.

Summons shall issue upon the petition, directing the adverse party to file answer within fifteen days after service thereof and directing the board to certify its complete record of the case to the court, or, in lieu thereof, and if consented to by the petitioner and adverse party, an abstract of the record prepared in such manner as hereinafter provided for appeals to the Court of Appeals.

No new or additional evidence may be introduced in the circuit court, except as to fraud or misconduct of some person engaged in the administering of this act and affecting the order, ruling or award, but the court shall otherwise hear the cause upon the record or abstract thereof as certified by the board, and shall dispose of the cause in summary manner, its reviewing being limited to determining whether or not:

1. The board acting without or in excess of its powers.

2. The order, decision or award was procured by fraud.

3. The order, decision or award is not in conformity to the provisions of this act.

4. If findings of fact are in issue, whether such findings of fact support the order, decision or award.

The board and each party shall have the right to appear in such review proceedings; the court shall enter judgment affirming, modifying or setting aside the order, decision or award, or in its discretion, remanding the cause to the board for further proceedings in conformity with the direction of the court. The court may, in advance of judgment and upon a sufficient showing of fact, remand the cause to the board.

§ 53. Where an amount sufficient under existing laws to authorize an appeal to the Court of Appeals is involved, the judgment of the circuit court shall be subject to appeal to the Court of Appeals, the scope of whose review shall include all matters herein made the subject of review by the circuit court and also errors of law arising in the circuit court and upon appeal made reviewable by the Civil Code of Procedure where not in conflict with the provisions of this act. The procedure as to appeal to the Court of Appeals

shall be the same as in civil actions, so far as the same may be applicable to and not in conflict with the provisions of this act, except as follows:

(1) Only so much of the evidence shall be embraced in a bill of exceptions as may be necessary to present clearly the questions of law involved in the rulings to which exceptions are reserved, and such evidence as is embraced therein shall be set forth in condensed and narrative form, save as a proper understanding of the questions presented may require that parts of it be set forth otherwise.

(2) In order to carry out the provisions of subsection 1 and further to reduce the size of the record on appeal, it shall be the duty of the appellant to file with the clerk of the circuit court, together with proof or acknowledgment of service of a copy on the appellee or his counsel, a schedule which shall indicate the portions of the record to be incorporated into the transcript of the record on such appeal. Should the appellee or his counsel desire additional portions of the record incorporated into the record to be filed in the Court of Appeals, he may file with the clerk of the circuit court his schedule also, within ten days thereafter (unless the term be extended by order of the circuit court or of the Court of Appeals), indicating such additional portions of the record desired by him.

The clerk of the circuit court shall transmit to the Court of Appeals as the transcript of the record only those portions of the record in the lower court which are designated by the parties as above provided. The parties, or their counsel, may, however, agree by written stipulation to be filed with the clerk of the circuit court, the portions of the record which shall constitute the transcript of record on appeal, and the clerk in such case shall transmit only the papers designated in such stipulation.

§ 54. If the Court of Appeals shall find that portions of the record unnecessary to a proper presentation of the case have been incorporated into the transcript by either party, the court may order that the whole or any part of the clerk's fee for preparing the transcript shall be paid by the offending party.

Whenever it shall be necessary or proper, in the opinion of the judge of the circuit court, that original papers of any kind should be inspected by the Court of Appeals, such judge may make such rule or order for the safekeeping, transporting and return of such original papers as to him may seem proper, and the Court of Appeals will receive and consider such original papers in connection with the transcript of the record.

§ 55. Upon motion of either party and a sufficient showing of reason or necessity therefor, the court to which an appeal is taken may continue in force the award, judgment or order appealed from, pending its decision of such appeal.

§ 56. Any party in interest may file in the circuit court of the county in which the injury occurred a certified copy of a memorandum of agreement approved by the board or of an order or decision of the board, or of an award of the board unappealed from, or of an award of the board rendered upon an appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though said judgment had been rendered in a suit duly heard and determined by said court.

Any such judgment of said circuit court unappealed from or affirmed on appeal or modified in obedience to the

mandate of the Appellate Court, shall be modified to conform to any decision of the board, ending, diminishing or increasing any weekly payment under the provisions of section 21 of this act, upon a presentation to it of a certified copy of such decision.

§ 57. If the board or any court before whom any proceedings are brought under this act shall determine that such proceedings have been brought, prosecuted or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who has so brought, prosecuted or defended them.

§ 58. The board, or any member thereof, may, upon the application of either party, or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employe and to testify in respect thereto. Said physician or surgeon shall be allowed traveling expenses and a reasonable fee to be fixed by the board not exceeding $10 for each examination and report, but the board may allow additional reasonable amounts in extraordinary cases.

The fees and expenses of such physician or surgeon shall be paid out of the maintenance fund.

§ 59. All fees of attorneys and physicians and charges of hospitals under this act shall be subject to the approval of the board. No attorney's fees shall be allowed or approved against any party or parties not represented by such attorney, nor exceeding an amount equal to 15% of the amount of the first $1,000 or fraction thereof recovered, or 10% of the excess of such recovery, if any, over $1,000. The board may deny or reduce an attorney's fee upon proof of solicitation of employment.

§ 60. All questions arising under this act, if not settled by agreement of the parties interested therein, with the approval of the board, shall be determined by the board except as otherwise herein provided for.

§ 61. Every employer subject to this act shall hereafter keep a record of all injuries, fatal or otherwise, received by his employes in the course of their employment. Within one week after the occurrence and knowledge thereof, as provided in sections 33-36, of an injury to an employe causing his absence from work for more than one day, a report thereof shall be made in writing and mailed to the board on blanks to be procured from the board for the purpose.

Upon the termination of the disability of the injured employe, or if the disability extends beyond a period of sixty days, then also at the expiration of such period, the employer shall make a supplementary report to the board on blanks to be procured from the board for the purpose.

The said report shall contain the name, nature and location of the business of the employer, and name, age, sex, wages and occupation of the injured employe, and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and such other information as may be required by the board.

Any employer subject to this act who refuses or wilfully neglects to make the report required by this section shall be liable for a fine of not more than $25 for each such refusal or neglect.

§ 62. Any person who shall knowingly file, cause to be filed, or permit to be filed, any false or fraudulent claim, on his behalf, to compensation or other benefits under this act, or who shall by fraud, deceit or misrepresentation procure or

cause to be made or shall receive any payments of compensation or other benefits under this act to which the recipient is not lawfully entitled, or shall conspire with, aid or abet another so to do, shall be guilty of a misdemeanor.

Any person who shall by deceit or misrepresentation and with intent to defraud, cause or procure or conspire with, aid or abet another in so causing or procuring, any person entitled to compensation or other benefits under this act to omit to file claim thereto or to accept the payment of a less sum than that to which he may be lawfully entitled to thereunder, shall be guilty of a misdemeanor.

Any person guilty of a misdemeanor as defined in this section shall, upon conviction, be punishable by a fine of not less than $50 nor more than $500, or imprisonment of not less than ten nor more than ninety days, in the discretion of the jury.

§ 63. Every employer under this act shall either insure and keep insured his liability hereunder in some corporation, association or organization authorized to transact the business of workmen's compensation insurance in this State, or shall furnish to the board satisfactory proof of his financial ability to pay direct the compensation in the amount and manner and when due as provided for in this act. In the latter case, the board shall require the deposit of an acceptable security, indemnity or bond to secure to such an extent as the board may direct, the payment of compensation liabilities as they are incurred.

Every employer accepting the provisions of this act shall at the time of such acceptance, file with the board in substantially the form prescribed by it, and annually thereafter, or as often as may be necessary, evidence of his compliance with the provisions of this section and all others relating

thereto. Until these provisions are complied with, the employer shall, from the date of his acceptance of the act, be liable to an employe either for compensation under this act or at law in the same manner as if the employer had refused to accept the provisions of this act. Claim of compensation in such cases shall be deemed a waiver of the right to proceed at law and the institution of an action at law shall be deemed a waiver of all claim to compensation.

§ 64. Whenever an employer has complied with the provisions of section 63, relating to self-insurance, the board shall issue to such employer a certificate which shall remain in force for a period fixed by the board, but the board may, upon at least sixty days' notice and a hearing to the employer, revoke the certificate upon satisfactory evidence for such revocation having been presented. The board may thereafter, upon petition of the employer and a hearing, grant a new certificate, but the employer shall not, as a matter of right, be entitled to a hearing for this purpose sooner than six months after a previous revocation of his certificate.

Authorization to make payments of compensation direct may be granted either as to the employer's entire risk, or as to such part or class thereof as the board may direct in its certificate, the remainder to be insured as herein provided.

§ 65. For the purpose of complying with the provisions of section 63, groups of employers are hereby authorized to form within this State, mutual insurance associations or reciprocal insurance associations subject to such reasonable conditions and restrictions as may be fixed by the board. Membership in such mutual insurance associations or reciprocal insurance associations so approved, together with evidence of the payment of premiums due, shall be evidence of compliance with section 63.

§ 66. Subject to the approval of the board any employer may enter into or continue any agreement with his employes to provide a system of compensation, benefit or insurance in lieu of the compensation and insurance provided by this act. No such substitute system shall be approved unless it confers benefits upon injured employes at least equivalent to the benefits provided by this act, nor if it requires contributions from the employes, unless it confers benefits in addition to those provided under this act at least commensurate with such contributions.

Such substitute system amy be terminated by the board on reasonable notice and hearing to the interested parties if it shall appear that the same is not fairly administered, or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purpose of this act; and in this case the board shall determine upon the proper distribution of all remaining assets, if any, subject to the right of any party in interest to take an appeal to the courts.

§ 67. All policies insuring the payment of compensation under this act must contain a clause to the effect that as between the employer and the insurer the notice to or knowledge of the occurrence of the injury on the part of the insured shall be deemed notice or knowledge, as the case may be, on the part of the insurer; that jurisdiction of the insured for the purposes of this act shall be jurisdiction of the insurer; and that the insurer shall in all things be bound by and subject to the awards, judgments or decrees rendered against such insured.

§ 68. No policy of insurance against liability arising under this act shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to same all benefits conferred by this act, and all in-

stallments of the compensation that may be awarded or agreed upon, and that the obligation shall not be affected by any default in the giving of any notice required by such policy, or otherwise. Such agreement shall be construed to be a direct promise by the insured to the person entitled to compensation enforceable in his name.

§ 69. Every policy for the insurance of the compensation herein provided, or against liability thereof, shall be deemed to be made subject to the provisions of this act. No corporation, association or organization shall enter into any such policy of insurance unless its form shall have been approved by the board.

§ 70. Every policy or contract of workmen's compensation insurance under this act, issued or delivered in this State, shall cover the entire liability of the employer under this act to each and all of his employes covered by such policy, except as otherwise provided in section 64 hereof, regardless of whatever other contingencies may be insured or provided for by riders attached thereto or endorsements made thereon. On the face of every such policy shall be printed conspicuously the words "insurance under this policy is in Class (designating the same) of the Company's Workmen's Compensation Classification Manual," and in the blank thus provided the number or other designation in said manual under which the said policy is written shall be placed before the policy is issued. If more than one class of risk be covered by the same policy, the separate risks and their corresponding manual classifications shall be stated in the same manner.

§ 71. No such policy of insurance or rider to be used therewith shall be issued or delivered until a copy of the form thereof has been filed with the Commissioner of Insurance at least thirty days prior to such issue or delivery, unless

before the expiration of thirty days the said commissioner shall have approved the form thereof in writing; nor if the Commissioner of Insurance notifies the company in writing that in his opinion the form of said policy or rider does not comply with the laws of this Commonwealth, specifying fully the reasons for his opinion; provided, that upon petition of the company the decision of the said commissioner shall be subject to review by the Franklin circuit court and to appeal therefrom to the Court of Appeals.

§ 72. The rates charged by all carriers of insurance, including the parties to any mutual, inter-indemnity, inter-insurance, reciprocal or other plan or scheme, writing insurance against the liability for compensation under this act, for insurance against such liability and against the liability of employers to employes where either or both have not elected to furnish or accept compensation under this act, shall be fair, reasonable and adequate, with due allowance for merit rating, and all risks of the same kind and degree of hazard shall be written at the same rate by the same carrier. No policy of insurance against liability for compensation under this act shall be valid until the rate thereof has been approved by the board, nor shall any such carrier of insurance write any such policy or contract until its basic and merit rating schedules have been filed with, approved and not subsequently disapproved by the board. Each such insurance carrier shall report to the board, in accordance with such reasonable rules as the board may at any time prescribe, for the purpose of determining the solvency of the carrier, and the fairness, reasonableness and adequacy of its rates; for such purposes the members of the board may inspect the books and records of such insurance carrier, and examine its officers, agents and directors under oath.

§ 73. Every employer affected by the provisions of this act who does not elect to operate thereunder shall not,

in any suit at law by an employe or his representative to recover damages for personal inurjy or death by accident arising out of and in the course of his employment, be permitted to defend any such suit at law upon any or all of the following grounds:

(1) That the employe was guilty of contributory negligence.

(2) That the injury was caused by the negligence of a fellow servant of the injured employe.

(3) That the employe had assumed the risk of injury.

§ 74. Every employe aected by the provisions of this act who does not elect to operate thereunder, and his representative in case of death, shall, in any suit at law to recover damages for personal injury or death by accident arising out of and in the course of his employment against an employer electing to operate under the provisions of this act, proceed at law as if this act had not been enacted, and the employer may avail himself of the defenses of contributory negligence, negligence of a fellow servant and assumption of risk as such defenses now exist at common law.

§ 75. Election to operate under the provisions of this act shall be effected by the employer by filing with the board the following notice, to-wit:

"(Name of employer) elects to operate under the provisions of Chapter ....., Acts of 1916, commonly known as the Workmen's Compensation Act, this election being effective as of the ..... day of ..... and covering (here insert name of industry, business or operation on which election is made.)"

In addition to the name of each industry, business or operation as to which such election is filed, there shall also be stated in the notice with reference thereto: (1) its location and address of chief office; (2) average number of employes during preceding twelve months; (3) kind of business being conducted; (4) method of securing payments of compensation to employes which the employer elects to adopt.

Such notice shall be in writing and signed by the employer, if an individual, by any partner if a partnership, or by the chief officer or agent within this State if a corporation.

§ 76. Election to operate under the provisions of this act shall be effected by the employe by signing the following notice, to-wit:

"I hereby agree with (name of employer) to accept the provisions of Chapter ....., Acts of 1916, commonly known as the Kentucky Workmen's Compensation Act."

The election shall be effective from, and including, the date of signing, which shall be inserted opposite the employe's signature. In case an employe be unable to write, his mark shall be witnessed by a third person, who shall at the time read the notice to the employe. Any number of employes may sign the same notice, provided that there be conspicuously written or printed at the top of each page thereof on which signatures appear a copy of the above form of notice. If the employment be intermittent, or be temporarily suspended, the original acceptance of the employe shall continue effective in subsequent employment under the same employer.

Identification of such signature or mark of the employe shall constitute conclusive proof of his election to operate

under the provisions of this act, in any hearing or proceeding in which such election may be material or in issue.

§ 77. All such notices of election by employes shall, when executed, be preserved by the employer during the continuation of the employment of those employes whose names are subscribed thereto. Any person who shall, with fraudulent intent, wilfully destroy, convert or secrete any such notice, or wilfully deprive the owner or his agent thereof, or erase or obliterate any part thereof, shall be guilty of a misdemeanor and upon conviction be punishable by a fine of not less than $50 nor more than $200, or imprisonment of not less than ten days nor more than ninety days, in the discretion of the jury.

§ 78. At any time after electing to operate under the provisions of this act, either party may withdraw such election, the employer by filing written notice with the board stating the date when such withdrawal is effective and the industry, business or operation covered thereby, by personal written notice to the employe or posting in conspicuous places about such place of business not less than one week next preceding the date on which the same is to become effective copies of such notice of withdrawal; the employe desiring to withdraw such election shall file with the employer a written notice of withdrawal, stating the date when such withdrawal is to become effective. Following the filing or giving of such notices, the status of the party withdrawing shall become the same as if his former election had not been made; provided, however, that withdrawal shall not be effective as to any injury sustained less than one week after the filing thereof.

An employer, while operating under the provisions of this act, shall at all times keep posted in conspicuous places

about his place of business notices to that effect, in such form as may be prescribed by the board.

§ 79. No agreement by any employe to pay any portion of the insurance premium paid by his employer shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employe entitled to the benefits of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $100 for each such offense.

§ 80. Upon the request of the board, the Attorney General, or, under his direction, the Commonwealth's attorney or county attorney of any county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this act, arising within the county or counties of their respective jurisdictions, and shall defend in like manner all suits, actions or proceedings brought against the board or the members thereof in their official capacity.

§ 81. The board shall prepare and furnish, free of charge, blank forms and provide its rules for their distribution, so that the same may be readily available, of all notices, claims, reports, proofs and other blank forms and literature which it may deem proper and requisite to the efficient administration of this act. It may authorize the publication and distribution of such blanks by employers and their insurers in manner and form provided by it.

§ 82. Annually on or before the 15th day of December the board shall make a report to the Governor for the preceding fiscal year, which shall include a statement of the number of awards made and of claims rejected by it, a general statement of the causes of accident leading to the injuries for which awards were made or rejected claims based,

and a detailed statement of the disbursements from, and unpaid expenses chargeable against, the maintenance fund and its condition, together with any other information which the board deems proper to call to the attention of the Governor, including any recommendations it may have to make, and it shall be the duty of the board to publish and distribute among employers and employes such general information as to the business transacted by the department as may be useful and necessary; provided, however, that an abuse of such right to so publish and distribute information shall constitute political activity within the meaning of section 41 hereof.

The annual report shall not exceed five hundred copies. All printing of the department shall be done by the contractor or contractors for public printing, subject to such provisions of the general laws governing public printing as may be applicable thereto, and shall be paid for out of any funds in the State treasury not otherwise appropriated.

§ 83. This act shall become effective on the first day of August, 1916, except as to sections 39 to 47 hereof, both inclusive, relating to the appointment of the board and their rights, powers and duties, an emergency is declared to exist, and the same shall become effective on the first day of April, 1916.

Elections by employers and employes and contracts of insurance entered into in conformity with the provisions of this act, between April 1st, 1916, and August 1st, 1916, to become effective on or after August 1st, 1916, shall be valid and enforceable.

§ 84. For the purpose of paying the salaries and expenses of the board and its necessary employes in making preparation and putting this act into operation the sum of $7,500 is hereby appropriated, payable out of any funds in

the State treasury not otherwise appropriated. All claims for salaries or expenses, when approved by resolution of the board, and countersigned by the chairman thereof, shall be presented to the Auditor of Public Accounts, who shall issue his warrant in payment thereof. All such claims shall show to whom and for what service, material or other things or reason such amounts are to be paid and shall be accompanied by voucher checks or receipts covering the same, except as to items of less than $1.00.

§ 85. For the purpose of paying the salaries and necessary expenses of the board and its assistants and employes in administering and carrying out the provisions of this act an administrative fund shall be created, and maintained in the following manner:

Sub-section 1. Every person, partnership, association, corporation, whether organized under the laws of this or any other State or country, company, mutual company or association, the parties to any inter-indemnity contract or reciprocal plan or scheme, and every other insurance carrier, insuring employers in this State against liability for personal injuries to their employes, or death caused thereby, under the provisions of this act, shall, as hereinafter provided, pay a tax upon the premiums received, whether in cash or notes, in this State or on account of business done in this State, for such insurance in this State at the rate of 4% of the amount of such premiums, which shall be in lieu of all other taxes on such premiums, which tax shall be assessed and collected as hereinafter provided. Provided, however, that such insurance carriers shall be credited with all cancelled or returned premiums, actually refunded during the year on such insurance, and with premiums on reinsurance with companies authorized and licensed to transact business in Kentucky, which reinsurance shall be reported by the reinsurer; but no

credit shall be allowed for reinsurance in companies not licensed to transact business in Kentucky.

Sub-section 2. Every such insurance carrier shall, for the six months ending October 31st, 1916, for the eight months ending June 30th, 1917, and annually thereafter, make a return verified by the affidavit of its president and secretary, or other chief officers or agents, to the Commissioner of Insurance, stating the amount of all such premiums and credits during the period covered by such return. Every insurance carrier required to make such return shall file the same with the Commissioner of Insurance within thirty days after the close of the period covered thereby and shall at the same time pay into the State treasury a tax of $4 on each $100 of such premiums ascertained as provided in subsection 1 hereof, less returned premiums on cancelled policies and reinsurance with other companies licensed to transact business in this State, and upon payment file a statement with the Secretary of State. Upon receiving such payments, the State Treasurer shall place the whole thereof to the credit of the fund for the administration of this act.

Sub-section 3. If any such insurance carrier shall fail or refuse to make the return required by this act, the said Commissioner of Insurance shall assess the tax against such insurance carrier at the rate herein provided for, on such amount of premiums as he may deem just, and the proceedings thereon shall be the same as if the return had been made.

Sub-section 4. If any such insurance carrier shall withdraw from business in this State before the tax shall fall due as herein provided, or shall fail or neglect to pay such tax, the Commissioner of Insurance shall at once proceed to collect the same, and he is hereby empowered and authorized to employ such legal process as may be necessary for that purpose, and when so collected he shall pay the same into the State Treas-

ury. The suit may be brought by the Commissioner of Insurance in his official capacity, in any court of this State having jurisdiction; reasonable attorneys' fees may be taxed as costs therein, and process may issue to any county of the State, and may be served as in civil actions, or in cases of unincorporated associations, partnerships, inter-indemnity contracts or other plan or scheme, upon the principal agent of the parties thereto.

Sub-section 5. Any person or persons who shall in this State act or assume to act as agent for any such insurance carrier whose authority to do business in this State has been suspended, while such suspension remains in force, or shall neglect or refuse to comply with any of the provisions of this section obligatory upon such person or party, or who shall wilfully make a false or fraudulent statement of the business or condition of any such insurance carrier or false or fraudulent return as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment for not less than ten or more than ninety days, or both such fine and imprisonment, in the discretion of the jury.

Sub-section 6. Whenever by this act any officer is required to give any notice to an insurance carrier, the same may be given by delivery, or by mailing by registered letter properly addressed and stamped, to the principal office or chief agent of such insurance carrier within this State, or to its home office, or to the secretary, general agent or chief officer thereof in the United States.

Sub-section 7. Any insurance carrier liable to pay a tax upon premiums under this act shall not be liable to pay any other or further tax upon such premiums, or on acount thereof, under any other law of this State.

Sub-section 8. Every employer carrying his own risk under the provisions of section 63 shall, under oath, report to the board his payroll subject to the provisions of this act. Such report shall be made in form prescribed by the board and at the times herein provided for premium reports by insurer. The board shall assess against such payroll a maintenance fund tax computed by taking 4% of the basic premiums chargeable against the same or most similar industry or business, taken from the manual insurance rates for compensation then in force in this State.

Sub-section 9. The board shall not be authorized to incur expenses or indebtedness during any period, chargeable against the maintenance fund, in excess of the premium tax payable to such fund for the same period. If it be ascertained that the tax collected for a given period exceeds the total expense chargeable against the maintenance fund under the provisions of this act, the board may authorize a corresponding credit upon collections for the succeeding period.

KENTUCKY EMPLOYES' INSURANCE ASSOCIATION

§ 86. For the purpose of carrying out the provisions of this act, and of affording to employers a method of insuring their liability as required thereby, the Kentucky Employes' Insurance Association is hereby created a body corporate with the powers provided herein and with all the general corporate powers incident thereto.

§ 87. The Board of Directors of the Association shall consist of fifteen members, three of whom shall be appointed by the Governor, and 12 of whom shall be elected by ballot of the subscribers, in accordance with section 207 of the Constitution. Of the original directors appointed by the Governor one shall be appointed for one year, one for two years, and one for three years; annually thereafter, one director shall be appointed for

a term of three years. Election of directors by the subscribers shall be held at such times and in such manner as the by-laws shall provide.

§ 88. The appointed directors shall, within thirty days of the subscription of twenty-five employers, call the first meeting of the subscribers by a notice in writing mailed to each subscriber at his place of business not less than ten days before the date fixed for the meeting.

§ 89. At the first meeting of the subscribers, the remaining twelve directors shall be elected. The board of directors may thereafter exercise power as such and may adopt by-laws not inconsistent with the provisions of this act.

§ 90. The board of directors shall annually choose by ballot a president, who shall be a member of the board, a secretary, a treasurer, and such other officers as the by-laws shall provide

§ 91. Seven or more of the directors shall constitute a quorum for the transaction of business.

Vacancies in any office may be filled in such manner as the by-laws shall provide.

§ 92. Any employer in the Commonwealth may become a subscriber.

§ 93. In any meeting of the subscribers each subscriber shall be entitled to one vote, and if a subscriber has 250 employes to whom the association is bound to pay compensation he shall be entitled to two votes, and he shall be entitled to one additional vote for each additional 250 employes to whom the association is bound to pay compensation, but no subscriber shall cast, by his own right or by the right of proxy, more than 10 votes.

§ 94. No policy shall be issued by the association until not less than fifty employers have subscribed, who have not less than five thousand employes to whom the association may be bound to pay compensation.

§ 95. No policy shall be issued until a list of the subscribers, with the number of employes of each, together with such other information as the Insurance Commissioner may require, shall have been filed at the insurance department, nor until the president and secretary of the association shall have certified under oath that every subscription in the list so filed is genuine and made with an agreement by every subscriber that he will take the policies subscribed for by him within thirty days of the granting of a license to the association by the Insurance Commissioner to issue policies.

§ 96. The board of directors shall distribute the subscribers into groups in accordance with the nature of the business and the degree of the risk of injury.

Subscribers within each group shall anuually pay in cash, or notes absolutely payable, such premiums as may be required to pay the compensation herein provided for the injuries which may occur in that year.

§ 97. The association may in its by-laws and policies fix the contingent mutual liability of the subscribers for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a subscriber shall not be less than an amount equal to and in addition to the cash premium.

§ 98. If the association is not possessed of cash funds above its unearned premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the

subscribers liable to assessment therefor in proportion to their several liability.

Every subscriber shall pay his proportional part of any assessments which may be laid by the association, in accordance with law and his contract, on account of injuries sustained and expenses incurred while he is a subscriber.

§ 99. The board of directors may, from time to time, by vote, fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compensation which may be payable on acount of injuries sustained and expenses incurred.

All premiums, assessments and dividends shall be fixed by and for groups as heretofore provided in accordance with the experience of each group, but all the funds of the association and the contingent liability of all the subscribers shall be available for the payment of any claim against the association.

§ 100. Any proposed premium, assessment, dividend or distribution of subscribers shall be filed with the insurance department and shall not take effect until approved by the Insurance Commissioner after such investigation as he may deem necessary.

§ 101. The board of directors shall make and enforce reasonable rules and regulations for the prevention of injuries on the premises of subscribers, and for this purpose the inspectors of the association shall have free access to all such premises during regular working hours.

Any subscriber or employe agrieved by any such rule or regulation may petition the Workmen's Compensation Board for a review and it may affirm, amend or annul the rule or regulation.

§ 102. If any officer of the association shall falsely make oath to any certificate required to be filed with the Insurance Commissioner, he shall be guilty of perjury.

§ 103. This act shall not affect any causes of action existing or action pending on August 1st, 1916, and its application as between employer and employe, except as otherwise herein provided, shall date from and include August 1st, 1916.

§ 104. The rule of law requiring strict construction of statutes in derogation of the common law shall not be applicable to the provisions of this act. If any section or part thereof shall be held invalid, such partial invalidity shall not affect the act as a whole or any other section or part thereof.

Mr. L. M. Smith offered the following amendment to said bill, viz.:

Amendments to Senate Bill No. 40 as printed:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Senate Bill No. 40 be amended by striking out paragraph 42 and inserting in lieu thereof the following:

Paragraph 42. The salary and expenses of the board with their assistants and employes shall be paid out of the maintenance fund, provided for in section 85 thereof; the annual salary of each member shall be thirty-five hundred dollars.

The Clerk of the Court of Appeals of Kentucky shall be secretary of said board.

The board may appoint a medical director whose salary shall not exceed three thousand dollars per year and said med-

ical director shall be a reputable licensed physician and surgeon of the profession and possessing the qualifications required by law for admittance to practice in this State. The board may employ such other employes as are necessary to the proper administration of this act as salaries to be fixed by the board and approved by the Governor.

The board may also employ one stenographer for each member of said board, his or her salary not to exceed $75.00 per month. The said stenographer to be in charge of the district office of each member of the board during his absence. The board may at any time remove any of its appointees upon filing with the Secretary of State a full written statement of its reasons for such removal.

The Clerk of the Court of Appeals and his present employes are to assist the board and have charge of the filing of all proceedings before said board.

The Clerk of the Court of Appeals for the purpose of carrying out the provisions of this act, is to be paid out of the maintenance fund of the State Treasurer, the sum of $3,000.00 per annum, which sum is to be accounted for by him as fees are now accounted for, at the end of each year. But no part of this sum is to be paid to said clerk, except in the event the fees received in said office from costs in appeals to the Court of Appeals of Kentucky, are sufficient to pay the salaries and expenses of said office.

The clerk and his employes as presently constituted shall receive no additional compensation.

That said bill be further amended by striking out paragraph 43 and inserting in lieu thereof the following:

Paragraph 43. The main office of said board shall be

in the office of the Clerk of the Court of Appeals of Kentucky and the said board shall have the right to the use of the court room of the Court of Appeals, at such times, as same is not being used by said court. The board shall be provided with the necessary furniture, supplies, books and periodicals which shall be paid out of the State Treasury. The board shall be provided with a seal for the authentication of its orders, awards or proceedings, on which shall be inserted the words "Workmen's Compensation Board, State of Kentucky, Official Seal."

The board may hold session at any place within the State, where it is necessary and shall have the power to sue or institute legal proceedings in any court of the Commonwealth, under existing laws as to jurisdiction of the actions; unless consented to by the board all actions or proceedings against it, or member thereof, in his official capacity as such, shall be brought in the courts of the county of Franklin.

Said amendment was disagreed to.

Mr. Bailey offered the following amendment to said bill, viz.:

Amend Senate Bill 40 by striking out all of section fifty-nine.

The yeas and nays being called for by Messrs. Bailey and Howard on the adoption of said amendment were as follows:

Those who voted in the affirmative were—

H. F. S. Bailey	C. H. Grimes	Robt. R. Treadway
Henry A. Cannon	T. R. Jones	J. W. Wall
L. L. Embrey	A. J. Oliver	—8

Those who voted in the negative were—

Peter Ampler	A. B. Holland	W. A. Price
Geo. B. Barrett	David J. Howard	Harry P. Purnell
C. H. Bays	J. M. Howell	Richard Radcliffe
Chas. D. Bratcher	Chas. L. Hunter	John T. Roach
G. G. Brashear	R.B.Hutchcraft,Jr.	Lewis Ryans
W. H. Brown	W. H. Jones	Joe Schneider
E. Bullock	H. Clay Kauffman	L. M. Smith
Glover H. Cary	M. E. Lee	Claude B. Smith
R. A. Cook	Dr. J. E. Lilly	John W. Snider
A. S. Cooper	W. R. Lyon	Adam Spahn
S. B. Coleman	Dr. C. W. Mathers	Ed. D. Stone
W. P. Cropper	Jacob Metzger	R. C. Tartar
James S. Cruse	Claude D. Minor	D. B. Tyra
S. C. Dobbs	G. B. Moores	J. Wood Vance
Jas. R. Dorman	John T. Murphy	John S. Webb
Thomas A. Dover	B. F. McAtee	W. M. Webb
William Duffy	W. J. McMurray	Frank M. White
J. R. Durham	L. T. Neat	J. D. Wills
T. T. Gardner	C. B. Nichols	M. O. Wilson
W. G. Gooch	S. Mazyck O'Brien	Louis E. Yewell
Frank C. Greene	William A. Perry	E. G. Young
J. S. Hall	Geo. L. Pickett	
W. C. G. Hobbs	A. B. Pieratt	—67

And so said amendment was disagreed to.

Mr. Duffy moved that the vote by which said amendment was rejected be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Bailey offered the following amendment to said bill, viz.:

Amend Senate Bill 40 by striking out the words "file in

the circuit court a petition,'' found in line six of section fifty-two, and inserting in lieu thereof these words: ''May, by petition, appeal to the circuit court that would have jurisdiction to try an action for damages for said injuries if this act had not passed.''

Said amendment was agreed to.

Mr. William Duffy offered the following amendment to said bill, viz.:

Amendment to Section 72.

Section 72. The rates charged by all carriers of insurance, including the parties to any mutual, inter-indemnity, inter-insurance, reciprocal or other plan or scheme, writing insurance against the liability for compensation under this act, for insurance against such liability and against the liability of employers to employes where either or both have not elected to furnish or accept compensation under this act, shall be fair, reasonable and adequate, with due allowance for merit rating, and all risks of the same kind and degree of hazard shall be written at the same rate by the same carrier. No policy of insurance against liability for compensation under this act shall be valid until the rate thereof has been approved by the board, nor shall any such carrier of insurance write any such policy or contract until its basis and merit rating schedule have been filed with, approved and not subsequently disapproved by the board. Each such insurance carrier shall report to the State Insurance Commissioner, in accordance with such reasonable rules as the State Insurance Commissioner may at any time prescribe, for the purpose of determining the solvency of the carrier, and the adequacy of its rates; for such purposes the board or State Insurance Commissioner may inspect the books and records of such insurance carrier, and examine its officers, agents and directors under oath.

Said amendment was agreed to.

Mr. William Duffy offered the following amendment to said bill, viz.:

Amend substitute for Senate Bill No. 40, by inserting in section 76 thereof the following:

Section 76a. Every employer affected by the provisions of this act who does not elect to operate thereunder shall not, in any suit at law by an employee or his representative to recover damages for personal injury or death by accident arising out of and in the course of his employment be permitted to defend any such suit at law upon any or all of the following grounds:

(1) That the employe was guilty of contributory negligence.

(2) That the injury was caused by the negligence of a fellow servant of the injured employe.

(3) That the employe had assumed the risk of injury.

Section 76b. Every employe affected by the provisions of this act who does not elect to operate thereunder, and his representative in case of death, shall, in any suit at law to recover damages for personal injury or death by accident arising out of and in the course of his employment against an employer electing to operate under the provisions of this act, proceed at law as if this act had not been enacted, and the employer may avail himself of the defenses of contributory negligence, negligence of a fellow servant and assumption of risk as such defenses now exist at common law.

Said amendment was agreed to.

Mr. McMurray offered the following amendment to said bill, viz.:

Amend Senate Bill No. 40, as follows:

By striking out sections 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and change the numbers of sections 101 and 102 to 84 and 85 respectively.

Said amendment was disagreed to.

Mr. Vance moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and, as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Glover H. Cary	Jas. R. Dorman
Geo. B. Barrett	R. A. Cook	Thomas A. Dover
C. H. Bays	A. S. Cooper	William Duffy
Chas. D. Bratcher	S. B. Coleman	Odie Duncan
G. G. Brashear	W. P. Cropper	J. R. Durham
Frank J. Brown	R. T. Crowe	J. M. Elliston
W. H. Brown	James S. Cruse	L. L. Embrey
E. Bullock	H. C. Cummins	T. T. Gardner
Henry A. Cannon	S. C. Dobbs	Wm. Gearheart

W. G. Gooch	Dr. C. W. Mathers	Joe Schneider
Frank C. Greene	Jacob Metzger	L. M. Smith
C. H. Grimes	Claude D. Minor	E. D. Smith
J. S. Hall	G. B. Moores	Claude B. Smith
L. B. Hamilton	John T. Murphy	Adam Spahn
W. B. Harvey	B. F. McAtee	Thomas Spurrier
W. C. G. Hobbs	W. J. McMurray	Ed. D. Stone
A. B. Holland	L. T. Neat	R. C. Tartar
David J. Howard	C. B. Nichols	Robt. R. Treadway
J. M. Howell	S. Mazyck O'Brien	D. B. Tyra
Chas. L. Hunter	A. J. Oliver	J. Wood Vance
R.B.Hutchcraft,Jr.	William A. Perry	J. W. Wall
R. B. Jackson	Geo. L. Pickett	John S. Webb
J. M. Johnson	A. B. Pieratt	W. M. Webb
T. R. Jones	W. A. Price	Frank M. White
W. H. Jones	J. D. Pumphrey	J. D. Wills
H. Clay Kauffman	Harry P. Purnell	M. O. Wilson
M. E. Lee	D. S. Richardson	Louis E. Yewell
Dr. J. E. Lilly	John T. Roach	E. G. Young
W. R. Lyon	Lewis Ryans	—86

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A mesage was received from the Senate announcing that they had passed a bill which originated in that body of the following title, viz.:

S. B. 37. An act to amend section 145 of the Constitution of Kentucky.

To the Committee on Constitutional Amendments.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 145. An act to permit corporations organized for the purpose of transacting the business of life or casualty insurance, or both life and casualty insurance, upon the co-operative or assessment plan, to re-incorporate as life insurance companies on the mutual or stock plan, and providing means whereby, and the conditions on which, such re-incorporation may be effected.

H. B. 323. An act to enable the fiscal courts of any county to select commissioners for the purpose of handling the proceeds of any bond issue voted by the county to build or reconstruct roads or bridges.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the orginal and enrolled bills which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a bill of the following title, viz.:

H. B. 337. An act to amend an act entitled "An act concerning notaries public," carried in Session Act of 1891, 1892 and 1893 as chapter 191 and page 850 thereof.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said bill.

Ordered that the enrolling clerk deliver said bill to the Senate.

After a time the enrolling clerk delivered the orginal and enrolled bill which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bill which originated in the House and which has been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Price, of the Committee on Rules, called up for consideration from the orders of the day, a bill entitled:

H. B. 537. An act to repeal and re-enact sections 4043, 4044, 4047, 4053, 4056, 4068, 4119, 4120, 4128, 4268, 4270, 4271, 4273, 4274, 4275, 4276, 4277, Kentucky Statutes, edition 1915, relating to the assessment of property for taxation; prescribing the duties of officers, and providing penalties for failure to discharge such duties.

Mr. Vance moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

EVENING SESSION

At 7 o'clock the House reconvened.

Mr. Price, of the Committee on Rules, called up for consideration the unfinished business of the previous session, viz.:

H. B. 537. An act to repeal and re-enact sections 4043, 4044, 4047, 4053, 4056, 4068, 4119, 4120, 4128, 4268, 4270, 4271, 4273, 4274, 4275, 4276, 4277, 4278, Kentucky Statutes, edition 1915, relating to the assessment of property for taxation; prescribing the duties of officers, and providing penalties for failure to discharge such duties.

Mr. Gardner moved that said House Bill 537 be made a special order for tomorrow morning at 11 o'clock.

The yeas and nays being called for by Messrs. Kauffman and Wills, were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	T. T. Gardner	Geo. L. Pickett
Geo. B. Barrett	W. G. Gooch	W. A. Price
G. G. Brashear	W. C. G. Hobbs	J. D. Pumphrey
Glover H. Cary	R.B.Hutchcraft,Jr.	Harry P. Purnell
W. P. Cropper	Dr. J. E. Lilly	Richard Radcliffe
James S. Cruse	Dr. C. W. Mathers	D. S. Richardson
Jas. R. Dorman	Claude D. Minor	Joe Schneider
Odie Duncan	John T. Murphy	Adam Spahn
J. M. Elliston	S. Mazyck O'Brien	D. B. Tyra
L. L. Embrey	William A. Perry	W. M. Webb

—30

Those who voted in the negative were—

H. F. S. Bailey	A. B. Holland	A. B. Pieratt
Frank J. Brown	J. M. Howell	John T. Roach
W. H. Brown	Chas. L. Hunter	Lewis Ryans
E. Bullock	J. M. Johnson	Claude B. Smith
Henry A. Cannon	T. R. Jones	John W. Snider
A. S. Cooper	W. H. Jones	Ed. D. Stone
H. C. Cummins	H. Clay Kauffman	Robt. R. Treadway
S. C. Dobbs	Jacob Metzger	J. W. Wall
J. R. Durham	G. B. Moores	John S. Webb
Frank C. Greene	B. F. McAtee	Frank M. White
C. H. Grimes	W. J. McMurray	J. D. Wills
J. S. Hall	L. T. Neat	M. O. Wilson
W. B. Harvey	C. B. Nichols	Louis E. Yewell

—39

And so said motion was disagreed to.

Mr. Hobbs moved that this House do now adjourn.

The yeas and nays being called for on said motion by Messrs. Kauffman and Greene were as follows, viz.:

Those who voted in the affirmative were—

G. G. Brashear	W. C. G. Hobbs	Harry P. Purnell
Glover H. Cary	Chas. L. Hunter	D. S. Richardson
James S. Cruse	Dr. J. E. Lilly	Lewis Ryans
H. C. Cummins	Dr. C. W. Mathers	Joe Schneider
S. C. Dobbs	Claude D. Minor	Frank M. White
William Duffy	S. Mazyck O'Brien	
Odie Duncan	J. D. Pumphrey	

—19

Those who voted in the negative were—

Peter Ampler	W. H. Brown	A. S. Cooper
H. F. S. Bailey	E. Bullock	W. P. Cropper
Frank J. Brown	Henry A. Cannon	Jas. R. Dorman

J. R. Durham	W. H. Jones	Claude B. Smith
J. M. Elliston	H. Clay Kauffman	John W. Snider
L. L. Embrey	Jacob Metzger	Ed. D. Stone
T. T. Gardner	G. B. Moores	Robt. R. Treadway
W. G. Gooch	John T. Murphy	J. Wood Vance
Frank C. Greene	B. F. McAtee	J. W. Wall
C. H. Grimes	W. J. McMurray	John S. Webb
J. S. Hall	L. T. Neat	W. M. Webb
W. B. Harvey	A. B. Pieratt	J. D. Wills
A. B. Holland	W. A. Price	M. O. Wilson
J. M. Howell	Richard Radcliffe	Louis E. Yewell
J. M. Johnson	John T. Roach	E. G. Young
T. R. Jones	L. M. Smith	—47

And so said motion was disagreed to.

Mr. Spahn moved that House Bill 537 be recommitted to the Committee on Rules.

The yeas and nays being called for on said motion by Messrs. Cary and Spahn were as follows, viz.:

Those who voted in the affirmative were—

Glover H. Cary	Dr. C. W. Mathers	W. A. Price
James S. Cruse	Jacob Metzger	J. D. Pumphrey
S. C. Dobbs	Claude D. Minor	D. S. Richardson
Odie Duncan	John T. Murphy	Joe Schneider
J. M. Elliston	S. Mazyck O'Brien	Adam Spahn
Dr. J. E. Lilly	Geo. L. Pickett	—17

Those who voted in the negative were—

H. F. S. Bailey	A. S. Cooper	William Duffy
G. G. Brashear	W. P. Cropper	J. R. Durham
Frank J. Brown	R. T. Crowe	T. T. Gardner
W. H. Brown	H. C. Cummins	W. G. Gooch
E. Bullock	Thomas A. Dover	Frank C. Greene
Henry A. Cannon	W. E. Dowling	C. H. Grimes

J. S. Hall	L. T. Neat	Robt. R. Treadway
W. B. Harvey	C. B. Nichols	J. Wood Vance
W. C. G. Hobbs	A. J. Oliver	J. W. Wall
A. B. Holland	A. B. Pieratt	John S. Webb
J. M. Howell	Harry P. Purnell	W. M. Webb
Chas. L. Hunter	John T. Roach	Frank M. White
J. M. Johnson	Lewis Ryans	J. D. Wills
T. R. Jones	L. M. Smith	M. O. Wilson
W. H. Jones	Claude B. Smith	Louis E. Yewell
H. Clay Kauffman	John W. Snider	E. G. Young
G. B. Moores	Thomas Spurrier	
B. F. McAtee	Ed. D. Stone	—52

And so said motion was disagreed to.

Mr. Minor moved that said House Bill 537 be made a special order for tomorrow morning at 11:05 o'clock.

The yeas and nays being called for on said motion by Messrs. Oliver and Cary were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. M. Elliston	Geo. L. Pickett
Glover H. Cary	W. G. Gooch	W. A. Price
James S. Cruse	W. C. G. Hobbs	J. D. Pumphrey
H. C. Cummins	Dr. J. E. Lilly	Harry P. Purnell
S. C. Dobbs	Dr. C. W. Mathers	Richard Radcliffe
Jas. R. Dorman	Jacob Metzger	D. S. Richardson
W. E. Dowling	Claude D. Minor	Joe Schneider
William Duffy	John T. Murphy	Adam Spahn
Odie Duncan	S. Mazyck O'Brien	D. B. Tyra
J. R. Durham	William A. Perry	—29

Those who voted in the negative were—

H. F. S. Bailey	W. H. Brown	A. S. Cooper
G. G. Brashear	E. Bullock	W. P. Cropper
Frank J. Brown	Henry A. Cannon	R. T. Crowe

Thomas A. Dover	G. B. Moores	Ed. D. Stone
T. T. Gardner	B. F. McAtee	Robt. R. Treadway
Frank C. Greene	W. J. McMurray	J. Wood Vance
C. H. Grimes	L. T. Neat	J. W. Wall
J. S. Hall	C. B. Nichols	John S. Webb
W. B. Harvey	A. J. Oliver	W. M. Webb
A. B. Holland	A. B. Pieratt	Frank M. White
J. M. Howell	John T. Roach	J. D. Wills
Chas. L. Hunter	Lewis Ryans	M. O. Wilson
J. M. Johnson	L. M. Smith	Louis E. Yewell
T. R. Jones	Claude B. Smith	E. G. Young
W. H. Jones	John W. Snider	
H. Clay Kauffman	Thomas Spurrier	—46

And so said motion was disagreed to.

Mr Hobbs moved that said House Bill 537 be made a special order for tomorrow morning at 11.30 o'clock.

Mr. Speaker Duffy ruled said motion out of order.

Mr. Hutchcraft, having been recognized by the Speaker for the purpose of explaining the provisions of said House Bill 537, yielded the floor to Mr. Greene for the purpose of allowing Mr. Greene to offer an amendment to said bill.

Mr. Greene immediately following the proposal of his said amendment, moved the previous question.

Mr. Speaker Duffy ruled that Mr. Greene's motion was out of order, Mr. Hutchcraft having the floor and yielding same for the purpose of permitting Mr. Greene to offer an amendment only.

From this ruling of the Chair Mr. Greene announced that he would appeal.

Mr. Greene prepared said appeal in writing and sent the same to the clerk's desk, which is as follows:

Comes Frank C. Greene, of Carroll County, and A. J. Oliver from Allen County, and appealed from the decision of the chair, in which decision the chair ruled that the previous question on the amendment sent up by the gentleman from Carroll, was out of order.

FRANK C. GREENE,
A. J. OLIVER.

Mr. Speaker Duffy designated Mr. Price to preside as Speaker Pro Tem. during the pendency of said appeal.

Mr. Speaker Duffy vacated the chair.

Mr. Price took the chair and presided as Speaker Pro Tem.

After a time Mr. Greene announced that he would withdraw said appeal.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a bill of the following title, viz.:

H. B. 483. An act repealing Section 4385 Kentucky Statutes, Carroll's Edition 1915, and re-enacting same so as to give the State Superintendent of Public Instruction authority to appoint additional clerks and stenographers for the State Department of Education, and providing for the payment of said appointees out of the State School Fund.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open sesion in the presence of the House affixed his signature to said bill.

Ordered, that the enrolling clerk deliver said bill to the Senate.

After a time the enrolling clerk delivered the original and enrolled bill which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bill which originated in the House and which has been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Stone indicated the hour of adjournment.

And then the House adjourned.

THURSDAY, MARCH 9, 1916.

The House was opened with prayer by the Rev. J. L. Alderson, Assistant Pastor of the Christian Church of Frankfort, Kentucky.

The reading of the House Journal of yesterday was dispensed with.

The following bills were introduced, ordered printed, and referred as follows, viz.:

By Mr. Spahn:

H. B. 559. An act to amend subsection 12, section 3290, chapter 89 of the Kentucky Statutes, relating to the government of third class cities.

To the Committee on Municipalities:

By Mr. Yewell:

H. B. 560. An act defining the duty of common carriers in relation to the transportation and storage of baggage.

To the Committee on Railroads.

Mr. Gardner moved that House Bill 537, the unfinished business of yesterday, be recommitted to the Committee on Rules with leave to report tomorrow morning at 11 o'clock.

Mr. Oliver moved that said motion to recommit be laid on the table.

The yeas and nays being called for on said motion to lay on the table by Messrs. Oliver and Wills, were as follows, viz.:

Those who voted in the affirmative were—

C. H. Bays	Frank C. Greene	A. J. Oliver
Chas. D. Bratcher	C. H. Grimes	Harry P. Purnell
G. G. Brashear	J. S. Hall	Lewis Ryans
W. H. Brown	L. B. Hamilton	Ed. D. Stone
E. Bullock	W. B. Harvey	Bannie Tabor
Henry A. Cannon	R. B. Jackson	J. W. Wall
A. S. Cooper	W. H. Jones	W. M. Webb
James S. Cruse	W. R. Lyon	Frank M. White
Thomas A. Dover	G. B. Moores	J. D. Wills
L. L. Embrey	E. B. McGlone	M. O. Wilson
Wm. Gearheart	L. T. Neat	—32

Those who voted in the negative were—

Peter Ampler	David J. Howard	Geo. L. Pickett
H. F. S. Bailey	Chas. L. Hunter	A. B. Pieratt
Frank J. Brown	R.B.Hutchcraft,Jr.	W. A. Price
Glover H. Cary	J. M. Johnson	J. D. Pumphrey
R. A. Cook	T. R. Jones	Richard Radcliffe
W. P. Cropper	Wm. J. Kuh	D. S. Richardson
R. T. Crowe	W. T. Lasley	Joe Schneider
S. C. Dobbs	M. E. Lee	L. M. Smith
Jas. R. Dorman	Dr. J. E. Lilly	E. D. Smith
W. E. Dowling	Dr. C. W. Mathers	Claude B. Smith
William Duffy	Jacob Metzger	John W. Snider
Odie Duncan	Claude D. Minor	Adam Spahn
J. R. Durham	S. Montgomery	R. C. Tartar
J. M. Elliston	John T. Murphy	D. B. Tyra
T. T. Gardner	B. F. McAtee	J. Wood Vance
W. G. Gooch	C. B. Nichols	John S. Webb
W. C. G. Hobbs	S. Mazyck O'Brien	E. G. Young
A. B. Holland	William A. Perry	—53

And so said motion was disagreed to.

And so said motion by Mr. Gardner to recommit said House Bill 537 was agreed to.

Mr. W. M. Webb offered the following resolution, viz.:

A resolution for the benefit of Bernard Wells.

Whereas, Bernard Wells, who has been awarded a second class certificate to teach in the public schools, by the Examining Board of Johnson county, Kentucky; and,

Whereas, while said certificate was in full force and effect, and when the services of no other teacher were available, the Educational Board of Division No. 3, of Johnson county, Kentucky, at its regular meeting held on a day

by statute appointed for that purpose, entered into a contract with Bernard Wells, employing him to teach as an assistant in the school of its subdistrict No. 8, for and during the term of six months, beginning on the 18th day of July, 1910, and as compensation therefor he was to receiev one-half (½) of the public money drawn by said district for said year; and,

Whereas, he did teach as an assistant in said school for the full term of six months, and a monthly report thereof made, and his services as thereby reported were accepted by the trustees of said subdistrict, by the chairman of said board of education, and by the Superintendent of Public Schools of Johnson county, Kentucky; and,

Whereas, he has received no part of the compensation agreed upon for his services thereby rendered, and which amounts to two hundred, seventy-three and 37-100 ($273.37) dollars, for the technical reason that he did not hold a certificate of that class which would have entitled him to teach said school as principal; and,

Whereas, said sum of money was repaid into the general school fund of the State of Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and he is directed to draw his warrant in favor of V. O. Gilbert, Superintendent of Public Instruction, for the sum of two hundred, seventy-three and 37-100 ($273.37) dollars, to be charged to the general school fund of the State of Kentucky, and that said sum be paid by the said superintendent to the said Bernard Wells, as money is paid to teachers of public schools.

Ordered that said resolution lie on the Clerk's desk.

Mr. Hobbs offered the following resolution, viz.:

Resolution requesting Senators and Representatives from Kentucky in the Congress of the United States to support bills (Senate 4570 and House of Representatives 10277) now pending in Congress to authorize the President to appoint Colonel L. Melvin Maus to the grade of Brigadier-General in the United States Army, and place him on the retired list.

Whereas, there is now pending in the Congress of the United States Senate Bill No. 4570 and House Bill No. 10277 to authorize the President to appoint Colonel L. Melvin Maus to the grade of Brigadier-General in the United States Army and place him on the retired list;

Whereas, Colonel Maus has rendered conspicuous and distinguished services as the first Commissioner of Public Health for the Philippine Islands in the eradication of bubonic plague from the city of Manila; in the suppression of a widespread epidemic of smallpox throughout the archipelago, which annually destroyed thousands of lives; in successfully combating Asiatic cholera which invaded the islands during his administration as Commissioner of Public Health for the Philippines; in taking a census of the lepers of the archipelago and selecting an island for their segregation; in establishing provincial and municipal boards of health throughout the islands, and in making many radical sanitary changes among the natives, which materially improved their condition and saved thousands of lives annually;

Whereas, Colonel Maus is now a resident of Kentucky and engaged in the campaign against the Great White Plague of the State as Secretary of the Kentucky Board of Tuberculosis Commissioners; and,

Whereas, Colonel Maus has secured no reward from Congress for his distinguished services, while a large number of officers have received special recognition and extra promotion for sanitary and constructive work in Cuba and the Panama Canal Zone; therefore,

Be it resolved by the House of Representatives of Kentucky:

That the Senators and Representatives of this State in the Congress of the United States be, and they are hereby, requested to support, and use all honorable means to secure the passage of said bills.

Mr. Hobbs moved that said resolution be adopted.

Mr. Radcliffe moved that said resolution be referred to the Committee on Federal Relations.

Said motion was disagreed to.

Said motion made by Mr. Hobbs was agreed to.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 61. An act to amend section 3710, Kentucky Statutes, Carroll's edition, 1915, relating to judicial department of towns of the sixth class.

To the Committee on Cities of the Fifth and Sixth Class.

S. B. 66. An act to change the date for the payment of State, county and district taxes.

To the Committee on Revenue and Taxation.

S. B. 183. An act to amend sections 8, 21 and 23 of chapter 80, Acts 1914, concerning public roads.

To the Committee on Public Roads and Highways.

S. B. 273. An act authorizing the Commissioners of the Sinking Fund of Kentucky to sell and convey to the Frankfort Water Company, of Frankfort, Kentucky, two small parcels of land in Franklin county, Kentucky, lying below the brow of the hill on the west side of the Frankfort and Lawrenceburg turnpike road, on each side of and adjoining the pumping station property of said company near the city of Frankfort, and fix the price to be paid therefor and the time of making, and the terms upon which said sale shall be made.

To the Committee on Municipalities.

Mr. L. M. Smith moved that the further consideration of Senate Bill 131 set for a special order at this hour, be postponed until tomorrow morning at 11:30.

Said motion was agreed to.

Mr. Cary, of the Committee on Rules, called from the Committee on Appropriations, from the Committee on Revenue and Taxation, from the Committee on Military Affairs, from the Committee on State Prisons and Houses of Reform, from the Committee on Agriculture, from the Committee on the Judiciary and from the Committee on Cities of the Fifth and Sixth Class, bills of the following numbers, viz.: S. B. 130, S. B. 315, S. B. 257, S. B. 143, S. B. 345, S. B. 162 and H. B. 139, which bills were reported by the chairmen of the respective committees as follows:

By Mr. Minor, of the Committee on Appropriations:

S. B. 130. An act for the benefit of the Kentucky Institute for the Education of the Blind, to provide for the education, training and employment of the blind of the Commonwealth.

By Mr. Dowling, of the Committee on Redistricting, Legislative:

S. B. 315. An act to divide the Commonwealth of Kentucky into thirty-eight senatorial districts.

By Mr. O'Brien, of the Committee on Military Affairs:

S. B. 257. An act to amend and re-enact chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19th, 1912, entitled "An act to provide for the organization, armament, equipment, discipline and government of the militia."

By Mr. Duffy, of the Committee on State Prisons and Houses of Reform:

S. B. 143. An act to prevent any person interfering with the work of convicts outside of the walls of the penitentiary, and prohibiting any person from giving or furnishing to any such convicts opium, cocaine, intoxicating liquors, any narcotic of any kind whatever, fire arms, weapons, or explosives.

By Mr. Gardner, of the Committee on Agriculture:

S. B. 345. An act relating to agricultural extension work and home economics; accepting the provisions of the act of Congress providing for co-operative agricultural extension work between agricultural colleges, which act was

approved May 8, 1914; providing that such work shall be done under the directions of the Kentucky University, Lexington, Kentucky; changing the name of said university to University of Kentucky; amending and re-enacting section 1 of chapter 3, Acts of 1908; amending and re-enacting section 15, Kentucky Statutes, 1903; providing for the appointment of Trustees of the University of Kentucky; creating an extension committee to have charge of extension work under the supervision of an executive committee for the University of Kentucky; providing for the election of an executive committee for the University of Kentucky; amending and re-enacting section 13 of the Act of March 21, 1906, creating the State Board of Agriculture, Forestry and Immigration; repealing section 2 of an act for the benefit of the Department of Agriculture, Labor and Statistics, approved March 11, 1912; appropriating money for the University of Kentucky; providing for the establishment of a marketing bureau; authorizing the fiscal courts of the counties and the boards of education of counties to appropriate money for extension work, and amending and re-enacting section 5 of an act for the benefit of the Department of Agriculture, approved March 21, 1906.

By Mr. McMurray, of the Committee on the Judiciary:

S. B. 162. An act to regulate the admission of attorneys to practice law.

By Mr. McAtee, of the Committee on Cities of the Fifth and Sixth Class:

H. B. 139. An act to amend section 3710, Kentucky Statutes, Carroll's edition, 1915, relating to judicial department of town of the sixth class.

Said bills were severally read the first time at length and ordered to be placed in the calendar.

The House then took up for consideration from the calendar bills of the following titles, viz.:

H. B. 97. An act to amend "An act to amend section six hundred and twelve 'a' of the Kentucky Statutes, relative to banks and trust companies, and to re-enact the same as amended," approved March 24th, 1906, and being section 612a, Kentucky Statutes, Carroll's edition, 1915.

S. B. 274. An act to provide means for the analysis and examination, investigation, publication, and other necessary expenses connected with the carrying out of chapter 4 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1908, entitled "An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violation thereof," and appropriating and limiting the amount of money to be paid from the treasury of the Commonwealth for such work.

S. B. 104. An act providing for the working of prisoners who are confined in the prisons, on State highways and bridges constructed by the Department of Public Roads; providing for the setting apart of a fund from the State road fund, to be used by the Department of Public Roads in building State roads and bridges with convict labor, and to enable said highway department to work said prisoners in the mining, quarrying and manufacturing and preparation of material for building roads and bridges; providing aid and assistance to the Commissioner of Public Roads in the construction of State roads with convict labor and otherwise; providing for the assignment of prisoners to do State road work and for their supervision and management while so engaged; providing a method of payment for the roads so constructed out of the State road fund, and authorizing the Board of Prison Commissioners to provide means of employ-

ment for convicts while not engaged in working on public roads and bridges, and in the manufacturing, quarrying, mining and preparation of road material; providing that the Board of Prison Commissioners may lease farms on which to work convicts, and providing compensation for all prisoners that may work under the supervision of the Board of Prison Commissioners.

S. B. 297. An act to permit counties to vote a tax for the improvement and construction of the public roads and bridges of the county.

H. B. 557. An act to amend section 965 of the 1909 Carroll's Kentucky Statutes relating to the time of holding circuit courts in the Eighteenth Judicial District.

S. B. 347. An act to protect railroad companies in the use and enjoyment of their rights of way by forbidding the condemnation thereof for other purposes.

The constitutional provision as to the second reading of said bills at length being dispensed with they were read the second time by their titles, and ordered to be placed in the orders of the day.

Mr. Cary, of the Committee on Rules, called up for consideration from the Clerk's desk a resolution of the following title, viz.:

S. Res. 15. Resolution providing for the adoption of the Legislative Digest as the official publication of this General Assembly and to purchase copies of same for the members of the General Assembly and certain officials.

(For said resolution see House Journal of February 23rd.)

Mr. Cary moved that said resolution be adopted.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. B. Harvey	Geo. L. Pickett
H. F. S. Bailey	W. C. G. Hobbs	A. B. Pieratt
Geo. B. Barrett	A. B. Holland	W. A. Price
Chas. D. Bratcher	David J. Howard	J. D. Pumphrey
Frank J. Brown	J. M. Howell	Harry P. Purnell
Henry A. Cannon	Chas. L. Hunter	D. S. Richardson
Glover H. Cary	R.B.Hutchcraft,Jr.	John T. Roach
A. S. Cooper	R. B. Jackson	Lewis Ryans
S. B. Coleman	J. M. Johnson	L. M. Smith
W. P. Cropper	T. R. Jones	E. D. Smith
James S. Cruse	W. H. Jones	Claude B. Smith
H. C. Cummins	H. Clay Kauffman	John W. Snider
S. C. Dobbs	Wm. J. Kuh	Adam Spahn
Thomas A. Dover	Dr. J. E. Lilly	Thomas Spurrier
W. E. Dowling	Dr. C. W. Mathers	Ed. D. Stone
William Duffy	Jacob Metzger	R. C. Tartar
Odie Duncan	Claude D. Minor	Robt. R. Treadway
J. R. Durham	G. B. Moores	D. B. Tyra
J. M. Elliston	John T. Murphy	J. Wood Vance
L. L. Embrey	B. F. McAtee	J. W. Wall
T. T. Gardner	E. B. McGlone	John S. Webb
Wm. Gearheart	W. J. McMurray	W. M. Webb
W. G. Gooch	L. T. Neat	Frank M. White
Frank C. Greene	C. B. Nichols	J. D. Wills
C. H. Grimes	S. Mazyck O'Brien	M. O. Wilson
J. S. Hall	A. J. Oliver	Louis E. Yewell
L. B. Hamilton	William A. Perry	E. G. Young

—81

And so said resolution was concurred in.

Mr. Cary, of the Committee on Rules, called from the orders of the day for consideration a bill of the following title, viz.:

H. B. 424. An act for the benefit of the Kentucky Normal and Industrial School for Colored Persons.

Said bill reads as follows, viz.:

Whereas, the present maintenance fund of the Kentucky Normal and Industrial Institute for Colored Persons is not sufficient to pay its current running expenses and provide proper training for colored boys in agriculture and farm labor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of five thousand two hundred and fifty dollars be, and the same is, hereby appropriated for this official year and for each succeeding year, out of any money not otherwise appropriated, for the benefit of the Kentucky Normal and Industrial Institute for Colored Persons, Frankfort, Kentucky, and the same is directed to be paid by the Treasurer of the State to the Treasurer of the said Kentucky Normal and Industrial Institute for Colored Persons upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrant or warrants for the purpose aforesaid.

Mr. Hobbs moved that the session be extended until the matter under consideration is disposed of.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	C. H. Grimes	Geo. L. Pickett
Geo. B. Barrett	J. S. Hall	A. B. Pieratt
C. H. Bays	L. B. Hamilton	W. A. Price
Chas. D. Bratcher	W. B. Harvey	J. D. Pumphrey
Frank J. Brown	W. C. G. Hobbs	Harry P. Purnell
W. H. Brown	David J. Howard	D. S. Richardson
E. Bullock	R.B.Hutchcraft,Jr.	Lewis Ryans
Henry A. Cannon	R. B. Jackson	L. M. Smith
Glover H. Cary	W. H. Jones	E. D. Smith
A. S. Cooper	Wm. J. Kuh	Adam Spahn
W. P. Cropper	W. T. Lasley	Thomas Spurrier
R. T. Crowe	Dr. C. W. Mathers	Ed. D. Stone
James S. Cruse	Jacob Metzger	R. C. Tartar
H. C. Cummins	G. B. Moores	Robt. R. Treadway
S. C. Dobbs	John T. Murphy	J. W. Wall
Thomas A. Dover	E. B. McGlone	Frank M. White
W. E. Dowling	L. T. Neat	M. O. Wilson
William Duffy	C. B. Nichols	Louis E. Yewell
L. L. Embrey	S. Mazyck O'Brien	E. G. Young
T. T. Gardner	A. J. Oliver	
Wm. Gearheart	William A. Perry	—61

Those who voted in the negative were—

G. G. Brashear	A. B. Holland	John T. Roach
S. B. Coleman	J. M. Johnson	Claude B. Smith
Jas. R. Dorman	T. R. Jones	John W. Snider
J. R. Durham	Dr. J. E. Lilly	John S. Webb
J. M. Elliston	B. F. McAtee	J. D. Wills
W. G. Gooch	W. J. McMurray	—17

Resolved, that the title thereof be as aforesaid.

Mr. Hobbs moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned.

AFTERNOON SESSION.

At 2 o'clock the House reconvened.

By the unanimous consent of the House the Hon. Dr. J. N. McCormick, ex-member of this House, was granted the privilege of the floor of this House.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 359. An act repealing the charter of Fairview, incorporated under the Act of February 6, 1846.

To the Committee on Cities of the Fifth and Sixth Class.

S. B. 279. An act to amend sections 5, 6, 8, 10, 19, 21 and 22 of chapter III. of the Acts of 1912, entitled "An act concerning tuberculosis and to provide for the creation of a commission to be known as the Kentucky Board of Tuberculosis Commissioners, to define its powers and to make an appropriation therefor, and to authorize and provide for the establishment of districts consisting of one or more than one county, and to authorize and provide in such district for the location, erection, organization and management of a district sanatorium for the care and treatment of tuberculosis,

and authorizing county and district taxation for the purpose of making an appropriation for the purchase of necessary land and construction and equipment of necessary buildings and an annual appropriation for the maintenance of such sanatorium;" and to add to said act section 12a, providing how taxes shall be levied for the erection, equipment and maintenance of tuberculosis sanatoria.

To the Committee on Tuberculosis Commission.

Mr. Cary, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

S. B. 223. An act prescribing the duties and powers of the Railroad Commission with reference to express companies, steamboats and steamboat companies, telegraph companies and telephone companies.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The provisions of this act shall apply to express companies, telephone companies, telegraph companies, steamboats and steamboat companies, whether incorporated or unincorporated, and doing business in this State in the transportation of goods or passengers for hire or compensation between points in this State, or in the receiving or transmission of messages between points in this State, but the provisions of this act shall not embrace the operation of telephone companies conducting business wholly within any city where the rates of toll charged for the transmission of messages may be regulated by local authority.

§ 2. Every express company, steamboat or steamboat company shall print and publish in legible form schedules or

tariffs showing all the fares, rates and charges for the transportation of persons or property and any service in connection therewith between different points on its route in the State of Kentucky. Such schedules shall be plainly printed and published in a legible form, and a copy for the use of the public shall be kept in every depot, station or place where passengers or property is received for transportation convenient for public inspection, and a copy shall be filed by each of such companies with the Railroad Commission.

Every telephone or telegraph company shall print and publish in legible form schedules of its rates of toll showing all rates and charges for the transmission of any message from any point where a message is received for transmission in this State to any other point in the State where such message is to be delivered, and to subscribers for telephone boxes, and a copy of such schedule shall be kept by the agent of such company at every place where any such message may be received for transmission and such schedule shall be open to the public at all hours when messages are so received for transmission, and a copy of said schedule shall be filed with the Railroad Commission.

§ 3. No change shall be made in the rate, tolls, fares or charges which have been filed and published by any of said companies except after not less than thirty days' notice to the Railroad Commission and to the public, published as aforesaid, and any changes to be made in the schedules then in force and the date of said proposed effective change shall be shown by new schedules or supplements thereto printed and published in legible form. The back of said schedule shall indicate the page on which the proposed change or changes may be found, and the particular change or changes shall be indicated by a star or stars opposite thereto; provided, that the Railroad Commission may, in its discretion and for good cause shown, enter an order of record allowing

changes in the schedule upon less time, or modify the requirements of this act in respect to publicly posting notices and filing schedules either in particular instances or by a general order applicable to special or particular circumstances or conditions.

§ 4. It shall be unlawful for any such company to demand, collect or receive a greater or less compensation for any service rendered than is specified in such printed schedule, and the rates, fares, tolls and charges specified therein shall be the lawful rates, fares, tolls and charges until same are changed as provided by law. The commission may prescribe such changes in the form in which the schedules are issued by any such company as may be found expedient.

§ 5. Whenever a duty or obligation is imposed upon any company mentioned in this act by law which relates to the rates, tolls, fares, classification, charges, service, rules, regulations or practice of any such company, or whenever a complaint is filed alleging a violation of this or any other law relative to such company, the same shall be under the supervision and regulation of the Railroad Commission, which shall have authority, after due notice and hearing as provided by law, to issue an order fixing just and reasonable rates, or prescribing just or reasonable rules or regulations or practice to be thereafter followed, and to prescribe the rate or toll to be charged or service to be performed thereafter to relieve any undue or unreasonable discrimination, prejudice or advantage found to exist in violation of law; and such rates, classifications, charges, fares, tolls, rules, regulations or practice so ordered shall be substituted for the rates, classifications, charges, fares, rules, regulations or practice then in force by any such company.

§ 6. Nothing in this act shall be construed to prevent special contract rates, tolls, fares or charges, but all such

rates, tolls, fares or charges shall be open to all persons engaged in any like business or under similar circumstances and conditions, and shall be subject to the provisions of this act as to the printing and filing of the same, and all such rates shall be under the supervision and regulation of the Railroad Commission.

§ 7. Nothing in this act shall prevent such companies from handling property or messages free or at reduced rates for the United States, the State or county, or any municipality, thereof, or for charitable purposes; or to or from fairs or expositions for exhibition thereat, or household goods which are the property of the employes of any such company, or commodities shipped by the employes for their own exclusive use or consumption; and nothing in this act shall prevent any telephone or telegraph company from allowing any employe or attorney of such company to transmit messages over the lines of such company free of any charge, nor from issuing and exchanging franks and passes with common carriers as provided by Act of Congress.

§ 8. Except as provided in the preceding section, it shall be unlawful for any such company to give free transportation of property within this State to any person, firm, company or corporation, or to transport property within this State for any other compensation than that prescribed by its schedules; and no telephone or telegraph company, except as provided in the preceding section, shall grant to any person the right to transmit messages over the lines of any such company free of charge, or at a reduced rate not common to the public.

§ 9. Any such company violating the provisions of this act as to free transportation of property, or transportation at reduced rates not common to the public, or in permitting the transmission of messages over telephone or telegraph

lines free of charge, or at a reduced rate not common to the public, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not to exceed one thousand dollars.

§ 10. If any company mentioned in this act shall charge, collect or receive more than a just or reasonable rate of toll or compensation for the transportation of property or passengers in this State, or for the transmission of any message, it shall be deemed guilty of extortion. If any company mentioned in this act shall, directly or indirectly, by any special rate, rebate, draw-back or other device, charge, demand, collect or receive from any person a greater or less compensation for any serivce rendered in the transportation of passengers or property than it charges, demands, collects or receives from any other person for doing for him a like and contemporaneous service in the transportation of a like kind of traffic, or if any such company shall, directly or indirectly, by any special rate, rebate, draw-back or other device, charge, demand, collect or receive from any person a greater or less compensation for any service rendered in the transmission of any message than it charges, demands, collects or receives from any person for doing for him a like and contemporaneous service in the transmission of messages, it shall be deemed guilty of unjust discrimination.

§ 11. It shall be unlawful for any such company to make or give any undue or unreasonable preference or advantage to any particular person or locality or any particular description of traffic in any respect whatever; or to subject any particular person, company, firm, corporation or locality or any particular description of traffic to any undue or unreasonable prejudice or disadvantage, or to make or give any undue or unreasonable preference or advantage to any particular person or locality in the transmission of messages,

or to subject any such person or locality to any undue or unreasonable prejudice or disadvantage.

§ 12. Any such company guilty of extortion or unjust discrimination, or of giving to any person or locality or to any description of traffic undue or unreasonable preference or advantage shall, upon conviction, be fined for the first offense in any sum not less than five hundred dollars nor more than one thousand dollars; and upon a second conviction in any sum not less than five hundred dollars nor more than two thousand dollars; and upon a third conviction in any sum not less than two thousand dollars nor more than five thousand dollars.

The circuit court of any county into or through which the line of any such corporation or company may run, and the Franklin circuit court, shall have jurisdiction of the offense which may be prosecuted by indictment or by penal action in the name of the Commonwealth upon information filed by the Railroad Commission, and such company shall also be liable in damages to the party aggrieved in the amount of damages sustained, together with the cost of suit and reasonable attorneys' fees to be fixed by the court. Indictments under this section shall be made only upon the recommendation or request of the Railroad Commission filed in the court having jurisdiction of the offense; and all prosecutions and actions under this law shall be commenced within two years after the offense shall have been committed or the cause of action shall have accrued.

§ 13. If any steamboat company or express company shall charge or receive any greater compensation in the aggregate for the transportation of passengers or property of like kind under substantially similar circumstances and conditions for a shorter than for a longer distance over the same line in the same direction, the shorter being included

within the longer distance, or if any telephone or telegraph company shall charge or receive for transmitting messages any greater compensation in the aggregate under substantially similar circumstances and conditions for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance, such company shall for each offense be guilty of a misdemeanor and fined not less than one hundred dollars nor more than five hundred dollars, to be recovered by indictment in the Franklin circuit court, or the circuit court of any county into or through which the company so violating runs or carries on its business. Upon complaint made to the Railroad Commission that any such company has violated the provisions of this section, it shall be the duty of the commission to investigate the grounds of complaint and if, after such investigation, the commission deems it proper to exonerate such company from the operation of the provisions of this section, an order in writing to that effect shall be made by the commission and a copy thereof shall be delivered to the complainant and a copy to such company, and the same shall be published as a part of the report of the commission, and after such order such company shall not be prosecuted or fined on account of the complaint made. If the commission, after investigation, fails to exonerate such company from the operation of the provisions of this section, an order in writing to that effect shall be made by the commission and a copy thereof delivered to the complainant and a copy to such company, and the same shall be published as a part of the report of the commission; and after such order it shall be the duty of the commission to furnish a statement of the facts, together with a copy of its order, to the grand jury of any county the circuit court of which has jurisdiction, in order that such company may be indicted for the offense; and the commission shall use proper efforts to see that such company is indicted and prosecuted.

§ 14. When complaint shall be made to the Railroad Commission accusing any company mentioned in this act of charging or collecting or receiving extortionate rates for the transportation of property or passengers, or for the transmission of messages, or for telephone boxes, over its line or lines in this Commonwealth, or when said commission shall receive information or have reason to believe that such rate or rates of toll or tolls are being charged, collected or received, it shall be the duty of said commission to hear and determine the matter as speedily as possible. Said commission shall give the company complained of not less than ten days' notice by letter mailed to an officer or agent of said company, stating the time and place of the hearing of same; also the nature of the complaint or matter to be investigated, and shall hear such statements, arguments or eivdence offered by the parties as the commission may deem relevant, and should the commission determine that the company is or has been guilty of extortion, said commission shall make and fix a just and reasonable rate, toll or compensation which such company may charge, collect or receive for like services thereafter rendered. The rate, toll or compensation so fixed by the commission shall be entered and be an order on the record book of their office and signed by the commission, and a copy thereof mailed to an officer or agent of the company affected thereby, and shall be in full force and effect at the expiration of ten days thereafter, and may be revoked or modified by an order likewise entered of record. And should such company, or any officer, agent or employe thereof, charge, collect or receive a greater or higher rate, toll or compensation for like services thereafter rendered than that made and fixed by said commission, as herein provided, said company and said officer, agent or employe shall each be deemed guilty of extortion and, upon conviction, shall be fined for the first offense in any sum not to exceed one thousand dollars; and upon a second conviction in any sum not to exceed two thousand dollars; and for a third and succeed-

ing conviction in any sum not to exceed five thousand dollars.

The circuit court of any county into or through which the line or lines of such company runs, and the Franklin circuit court, shall have jurisdiction of the offense against such company offending, and the circuit court of any county where such offense may be committed by such officer, agent or employe shall have jurisdiction in all prosecutions against said officer, agent or employe, and all such prosecutions under this act shall be by indictment or penal action, and shall be commenced within two years after the offense shall have been committed. In making any investigation provided for in this section, said commission may, when deemed necessary, take the deposition of witnesses before an examiner or notary public whose fees shall be paid by the State, and upon the certificate of the chairman of the commission, approved by the Governor, the Auditor shall draw his warrant upon the Treasurer for payment. If the commission deems it necessary they may require any such company to produce all books, correspondence and papers relating to or touching upon the matter under investigation or that may furnish evidence material to the matter under investigation, or which shows or may tend to show a violation of this section, and if any such company, or any officer, employe or person in the possession of such books, papers or correspondence shall refuse to obey the orders of the commission and produce such books, papers or correspondence, such company and the officer, employe or person in possession so refusing shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not to exceed one thousand dollars.

§ 15. Every express company, steamboat or steamboat company, telephone company and telegraph company shall, on or before the first day of September in each year, make and transmit to the Railroad Commission at its office in

Frankfort under oath of the president or manager of the company, a full and true statement of the affairs of said company on blanks to be furnished by the Railroad Commission, and any such company failing to make such report showing the affairs of said company as the same existed on the first day of the preceding July, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not to exceed one thousand dollars, and the Franklin circuit court is given jurisdiction of such offense.

§ 16. The Railroad Commission shall examine into the condition, management and all other matters concerning the business of such companies in this State, so far as the same pertain to the relation of such companies to the public, and whether such companies, their officers and employes, comply with the laws of this State, and whenever it shall come to their knowledge, or they shall have reason to believe that the laws affecting such companies in their business relations to the public have been violated, they shall prosecute or cause to be prosecuted the companies or persons guilty of such violations. The Railroad Commission shall have the power to examine under oath any person or the directors, officers, agents and employes of any company mentioned in this act doing business in this State, concerning the management of its affairs, and to obtain information pursuant to this law; and shall have power to issue subpoenas for the attendance of witnesses and to administer oaths; and any person who shall neglect or refuse to obey the process or subpoenas issued by said commission, or who being in attendance shall refuse to testify, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment not less than ten nor more than fifty days, or both, in the discretion of the jury; and in making such examination said commission shall have full power to demand the production of all books,

correspondence and papers which may show or tend to show any violation of this act, or which may afford any information to said commission in their investigation, and if any officer, agent, employe or person in possession of such books, papers or correspondence shall refuse to obey the orders of the commission demanding the production of such, such person shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not to exceed five hundred dollars, or imprisoned in the county jail not to exceed six months. Any person who shall, in any way, hinder or obstruct the commission in the discharge of its duty shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined for each offense not to exceed five hundred dollars; and it shall be the duty of the commission to prosecute the persons so offending, and the Franklin circuit court or the circuit court of any county through which the lines of any such company run, the officer, agent or employe of which has violated the provisions of this act, shall have jurisdiction of such prosecution; and it shall be the duty of the Commonwealth's attorney to prosecute all indictments, actions and proceedings under this law.

§ 17. It shall be the duty of the Railroad Commission to see that every provision of this act is carried out, and it shall have the power to hear and determine every complaint of any violation of the provisions of this act, provided, that all complaints shall be made in writing and the company complained of shall have not less than ten days' notice of the time and place of the hearing of same. The commission shall hear and reduce to writing all evidence adduced by the parties, and render such award as may be proper. If the award of the commission be not satisfied within ten days after the same is rendered, the chairman shall file a copy of said award and the evidence heard in the office of the clerk of the circuit court of the county which, under the Code of Practice, would have jurisdiction of said controversy and

the clerk of said court shall enter the same on the docket for trial; and summons shall be issued as in other cases against the party against whom the award shall have been rendered, requiring said party to appear in the court within the time allowed in ordinary cases and show cause why said award shall not be satisfied. If such party fails to appear judgment shall be rendered by default, and the same proceedings had thereon as in other ordinary cases. If a trial is demanded the case shall be tried in all respects as other ordinary cases in which the same amount is involved, except that no evidence shall be introduced by either party except that heard by the commission, except such as the court shall be satisfied by sworn testimony could not have been procured before the commission by the exercise of reasonable diligence; the judgment and proceedings thereon shall be the same as in other ordinary cases.

§ 18. The commission shall not be required to give publicity to any contracts, leases or engagements obtained by them in their official capacity if the interest of any company would thereby be injuriously affected, unless in the judgment of the commission the public interest requires it.

§ 19. It shall be the duty of any sheriff or deputy in the Commonwealth of Kentucky to execute all summons and orders necessary to be issued by the Railroad Commission, and make return to the chairman of the commission how they have executed said subpoenas and orders.

§ 20. It shall be unlawful for any steamboat or steamboat company, or steamboat line that makes port in this State, to combine with or make any contract or agreement or to have any understanding with any railroad company, or other common carrier, by which combination, contract or agreement the earnings of the one doing the carrying are to be shared by the other not doing the carrying, and no car-

rier by rail shall direct, control or influence by agreement, contract or understanding, the rates of any carrier by water, or own or control any stock or bonds of any company or corporation engaged in any transportation by water, and no carrier by water shall direct, control or influence by any agreement, contract or understanding, the rates of any carrier by rail, or own or control any stock or bonds of any company or corporation engaged in transportation by rail; and it shall be the duty of the Railroad Commission to enforce the provisions of this act, and to this end said commission shall have the power and authority to make a full and complete investigation of any alleged violation of the provisions of this section, and to summons before it any officers, agents or employes of any carrier by rail or water who shall be required to testify on oath concerning all matters inquired into by said commission touching the violation of the provisions of this section, and after said investigation the commission shall have the authority, if, in its opinion or judgment, the provisions of this section are being violated, to issue orders prescribing rules and regulations to prevent the further violation of the provisions of this section; and if thereafter any carrier by water or rail shall violate any order issued by said commission under the provisions of this section, said carrier by water or rail, its agents, servants and employes, shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine in any sum not to exceed one thousand dollars for the first offense; three thousand dollars for the second offense and five thousand dollars for every succeeding offense; provided, however, that the provisions of this section shall not apply to such water transportation carried on by railroad companies as are necessarily incident to the actual conduct of the carrier's business by rail.

§ 21. The Circuit Court having jurisdiction under the provisions of the Civil Code of Practice, and also the Franklin

Circuit Court, shall have jurisdiction and authority to enforce all orders of the Railroad Commission made under the provisions of this act, and the chairman of the commission shall have authority to file a petition in equity in the name of the Commonwealth invoking the aid of any Circuit Court having jurisdiction, as provided herein, to compel any company mentioned in this act under the control or supervision of the Railroad Commission to obey, execute, comply with or make effective any order of the commission made in pursuance of this act, and such company shall be summoned and the issues joined by the pleadings and the cause docketed and tried, as in any other suits in equity, except that the transcript of the evidence offered before or heard by the commission, or a properly certified copy thereof, and the record of all proceedings in the cause before the commission, or a certified copy thereof, shall be filed in the court and made a part of the record in the cause, and no evidence shall be introduced on the hearing in court by either party other than said evidence offered before or heard by the commission, except such evidence as the court shall be satisfied from affidavits or sworn testimony could not, by the exercise of reasonable diligence, have been produced at the hearing before the commission. If additional testimony be introduced in court, the cause shall be remanded to the Railroad Commission with authority to alter, change, modify or affirm its original order before the recommendation of a judgment by the court in reference to the order or orders of the commission. From the judgment of the court an appeal shall lie to the Court of Appeals by either the commission or the company, and all proceedings in court under this act shall have precedence over all other causes, except criminal cases. It shall be the duty of the Attorney General of the Commonwealth to represent the Railroad Commission in the proceedings provided for herein. The proceedings provided for under this section

of this act shall not be exclusive of, but in addition to, other proceedings and penalties provided by law.

§ 22. No railway company, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, palace car company, dining car company, sleeping car company, chair car company, nor any other like company, shall enter into any agreement, contract or understanding with any other company engaged in the same or similar business, to regulate or fix rates, tolls or charges, and no such company shall consolidate, merge or sell or dispose of its property to any company engaged in the same or a similar business until a petition shall have been filed with the Railroad Commission by the companies desiring to consolidate, merge, buy or sell, showing in detail the exact terms and conditions of the transaction, and authority is granted by the Railroad Commission to enter into the contract, agreement or understanding to consolidate, merge, sell or buy, but the Railroad Commission shall grant no such authority until public notice has been officially given in newspapers circulating among the people to be served by such company or companies, of any proposal between such companies to contract, agree, consolidate, merge, sell or buy. If any protest shall be filed against the consolidation, merging, selling or buying of any such companies, the Railroad Commission shall hear the protest and shall consider all evidence produced on either side, or if no protest is filed the said commission is empowered and authorized to summon and swear witnesses touching the proposed contract, agreement, consolidation or merger, and any officer, agent or employe of any or either of the companies proposing to contract, consolidate, merge, sell or buy may be compelled to testify before the commission and may be compelled to produce books and papers touching upon the questions. If, after a full and free investigation, the

Railroad Commission finds that the proposed action on the part of such companies is not in violation of any law of this State, and is not detrimental to the interest of that part of the public served by such companies, power may be granted and authority given for such companies to consolidate, merge, sell or buy, but no company shall have the power to sell or dispose of its franchise or property, either tangible or intangible, without the consent of the local authority granting such franchise, when same is granted by local authority.

Mr. Oliver offered the following amendment to said bill, viz.:

Amend by striking out express companies wherever it occurs in bill.

The yeas and nays being called for by Messrs. Oliver and Moores on the adoption of said amendment were as follows, viz.:

Those who voted in the affirmative were—

C. H. Bays	J. S. Hall	A. J. Oliver
E. Bullock	W. C. G. Hobbs	J. H. Thompson
A. S. Cooper	Chas. L. Hunter	J. W. Wall
Thomas A. Dover	R. B. Jackson	Frank M. White
Wm. Gearheart	G. B. Moores	—14

Those who voted in the negative were—

Peter Ampler	S. C. Dobbs	T. T. Gardner
H. F. S. Bailey	Jas. R. Dorman	W. G. Gooch
Frank J. Brown	W. E. Dowling	Frank C. Greene
Glover H. Cary	William Duffy	C. H. Grimes
W. P. Cropper	Odie Duncan	L. B. Hamilton
R. T. Crowe	J. R. Durham	W. B. Harvey
H. C. Cummins	J. M. Elliston	A. B. Holland

David J. Howard	B. F. McAtee	Claude B. Smith
J. M. Howell	W. J. McMurray	John W. Snider
R.B.Hutchcraft,Jr.	C. B. Nichols	Adam Spahn
T. R. Jones	S. Mazyck O'Brien	Thomas Spurrier
W. H. Jones	William A. Perry	Ed. D. Stone
H. Clay Kauffman	Geo. L. Pickett	R. C. Tartar
Wm. J. Kuh	A. B. Pieratt	D. B. Tyra
M. E. Lee	W. A. Price	J. Wood Vance
Dr. J. E. Lilly	Richard Radcliffe	John S. Webb
Dr. C. W. Mathers	D. S. Richardson	W. M. Webb
Jacob Metzger	John T. Roach	J. D. Wills
Claude D. Minor	Lewis Ryans	M. O. Wilson
S. Montgomery	L. M. Smith	Louis E. Yewell
John T. Murphy	E. D. Smith	E. G. Young

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And so said amendment was disagreed to.

Mr. Dorman offered the following amendment to said bill, viz.:

Amend S. B. 223, Section 18, line 1, by striking out the words "be required to."

Said amendment was agreed to.

Mr. Crowe offered the following amendment to said bill, viz.:

SENATE BILL No. 223.

Amend the title of the bill, by adding thereto after the words "telephone companies," the following words: "And all boats and other water craft propelled by the use of oil, gasoline or other means."

Amend Section One (1) by adding thereto on line three (3), after the words "steamboat companies," the following

words: "And all boats and other water craft propelled by the use of oil, gasoline or other means."

Amend Section One (1) by striking therefrom on line four (4), the following words: "Or passengers."

Amend Section Two (2) by striking therefrom on line one (1), the following words: "Steamboat or steamboat company."

Amend Section Two (2) by striking therefrom on line three (3), the following words: "Persons or."

Amend Section Two (2) by striking therefrom on lines seven (7) and eight (8), the following words: "Passengers or."

Amend Section Ten (10) by striking therefrom on line three (3), the following words: "Or passengers."

Amend Section Ten (10) by striking therefrom on line eight (8), the following words: "Passengers or."

Amend Section Thirteen (13) by striking therefrom on line one (1), the following words: "Steamboat or steamboat company or."

Amend Section Thirteen (13) by striking therefrom on line three (3), the following words: "Passengers or."

Amend Section Fourteen (14) by adding thereto on line two (2), after the word "any," the following words: "Express company, telephone company or telegraph."

Amend Section Fourteen (14) by striking therefrom on lines three (3) and four (4), the following words: "Or passengers."

Amend Section Fifteen (15) by striking therefrom on line one (1), the following words: "Steamboat or steamboat company."

Amend same by adding thereto the following new section to be numbered Section 22:

Section 22. When complaint shall be made to the Railroad Commission accusing any steamboat, steamboat company, or other boat, or water craft propelled by the use of oil, gasoline or other means, of charging, or collecting, or receiving any unreasonable or extortionate rate or rates for the transportation of property over its line or lines in this Commonwealth, or when said commission shall receive information, or have reason to believe that such unreasonable or extortionate rate or rates are being charged, collected or received, it shall be the duty of said commission to hear and determine the matter as speedily as possible. Said commission shall give the company or boat complained of not less than ten days' notice by letter mailed to an officer or agent of said company, stating the time and place of the hearing of same; also the nature of the complaint or matter to be investigated, and shall hear such statements, arguments or evidence offered by the parties as the commission may deem relevant, and should the commission determine that the company or boat is or has been guilty of extortion, said commission shall make and fix a just and reasonable maximum rate which such company or boat may charge, collect or receive for like services thereafter rendered. The maximum rate so fixed by the commission shall be entered and be an order on the record book of their office and signed by the commission, and a copy thereof mailed to an officer or agent of the company affected thereby, and shall be in full force and effect at the expiration of ten days thereafter, and may be revoked or modified by an order likewise entered of record. And should such company or boat or any officer, agent or

employee thereof, charge, collect or receive a greater or higher rate for like services thereafter rendered than that made and fixed by said commission, as herein provided, said company and said officer, agent or employee shall each be deemed guilty of extortion and, upon conviction, shall be fined for the first offense in any sum not to exceed one thousand dollars; and upon a second conviction in any sum not to exceed two thousand dollars; and for a third and succeeding conviction in any sum not to exceed five thousand dollars.

The Circuit Court of any county into or through which the line or lines of such company runs, shall have jurisdiction of the offense against such company, or boat, offending, and the Circuit Court of any county where such offense may be committed by such officer, agent or employee shall have jurisdiction in all prosecutions against said officer, agent or employee, and all such prosecutions under this act shall be by indictment or penal action, and shall be commenced within two years after the offense shall have been committed. In making any investigation provided for in this section, said commission may, when deemed necessary, take the deposition of witnesses before an examiner or notary public whose fees shall be paid by the State, and upon the certificate of the chairman of the commission, approved by the Governor, the Auditor shall draw his warrant upon the Treasurer for payment. If the commission deems it necessary they may require such company, or boat to produce all books, correspondence and papers relating to or touching upon the matter under investigation or that may furnish evidence material to the matter under investigation, or which shows or may tend to show a violation of this section, and if any such company, or any officer, employee or person in the possession of such books, papers or correspondence shall refuse to obey the orders of the commission and produce such books, papers or correspondence, such company and the officer, employee

or person in possession so refusing shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not to exceed one thousand dollars.

Said amendments were agreed to.

Mr. Crowe offered the following amendment to said bill, viz.:

Amend Section 14 of Senate Bill 223 by inserting after the word "possible," in the 9th line of said section, the following words, to-wit.: "Provided, that as to any telephone company said complaint shall be signed by at least five of its bona fide patrons."

Said amendment was agreed to.

Mr. Crowe offered the following amendment to said bill, viz.:

Amend Section 12 of Senate Bill 223 by striking out the words: "In any sum not less than five hundred dollars nor more than one thousand dollars and upon a second conviction in any sum not less than five hundred dollars nor more than two thousand dollars; and upon a third conviction in any sum not less than two thousand dollars nor more than five thousand dollars." After the word "offense," in line 4, and inserting in lieu thereof:

"In any sum not to exceed five hundred dollars and upon a second conviction in any sum not to exceed one thousand dollars, and upon a third conviction in any sum not to exceed two thousand dollars."

Said amendment was agreed to.

Mr. Crowe offered the following amendment to said bill, viz.:

Amend by striking out Section 7 and substituting the following, viz.:

"Nothing in this act shall prevent such companies from handling property or messages free or at reduced fares for the United States, the State or county, or any municipalities thereof, or for charitable purposes; or to and from fairs or expositions for exhibition thereat; or the private property or messages for their own exclusive use or consumption of the officers, agents, employees, attorneys, physicians or surgeons and their families of companies subject to the provisions of this act, nor prevent the exchange of passes or franks with any other company or companies subject to the provisions of this act or any other common carrier or carriers so that by said exchange all said companies may give to officers, agents, employees, attorneys, physicians or surgeons of said other companies the same privileges given to their own officers, agents, employees, attorneys, physicians, surgeons and their families. The term 'employees' as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such company, and the remains of persons killed in the employment of any such company, and persons traveling for the purpose of entering the service of any such company; and the term "families" as used in this paragraph, and also the term "families" of persons killed as aforesaid, the widows during widowhood and the minor children during minority of persons who have died while in the service of any such company.

Said amendment was agreed to.

Mr. Crowe offered the following amendment to said bill, viz.:

Amend Section 7 of Senate Bill No. 223, by adding after the word "message," in line 9, the words "or other charges."

Said amendment was agreed to.

Mr. Radcliffe moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill as amended be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, it was read the third time by its title and, as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	H. C. Cummins	L. B. Hamilton
H. F. S. Bailey	S. C. Dobbs	W. B. Harvey
Geo. B. Barrett	Jas. R. Dorman	W. C. G. Hobbs
Frank J. Brown	W. E. Dowling	A. B. Holland
W. H. Brown	William Duffy	David J. Howard
Henry A. Cannon	Odie Duncan	J. M. Howell
Glover H. Cary	J. R. Durham	Chas. L. Hunter
A. S. Cooper	W. G. Gooch	R.B.Hutcheraft,Jr.
S. B. Coleman	Frank C. Greene	R. B. Jackson
R. T. Crowe	C. H. Grimes	J. M. Johnson
James S. Cruse	J. S. Hall	T. R. Jones

W. H. Jones	W. J. McMurray	John W. Snider
H. Clay Kauffman	C. B. Nichols	Adam Spahn
Wm. J. Kuh	S. Mazyck O'Brien	Ed. D. Stone
W. T. Lasley	William A. Perry	R. C. Tartar
M. E. Lee	Geo. L. Pickett	Robt. R. Treadway
Dr. J. E. Lilly	A. B. Pieratt	J. W. Wall
Dr. C. W. Mathers	W. A. Price	John S. Webb
Jacob Metzger	Richard Radcliffe	W. M. Webb
Claude D. Minor	D. S. Richardson	J. D. Wills
S. Montgomery	John T. Roach	M. O. Wilson
G. B. Moores	Joe Schneider	E. S. Wood
John T. Murphy	L. M. Smith	Louis E. Yewell
B. F. McAtee	E. D. Smith	E. G. Young
E. B. McGlone	Claude B. Smith	—74

There voted in the negative—

Chas. D. Bratcher —1

Resolved, that the title thereof be as aforesaid.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Cary, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 436. An act to amend Section 6 of the Act approved March, 1910, entitled: "An act to promote and compel attendance of children in schools, to prevent truancy in cities of the first, second, third and fourth class, and to enable boards of education or boards of school trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truant children, and for the purpose of reducing truancy."

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 6 of an act approved March 23, 1910, entitled, "An act to promote and compel attendance of children in schools, to prevent truancy in cities of the first, second, third and fourth classes, and to enable boards of education or boards of school trustees of cities of the first and second classes to establish and maintain parental or truant schools for the care and discipline of truant children, and for the purpose of reducing truancy" (being Sub-section 6 of Section 2978c of Carroll's Kentucky Statutes, Edition of 1915), be and it is hereby amended by striking therefrom the last paragraph, being all of said section that follows the words, "during such period of time as he may be employed by the school board," and by adding instead of the words so stricken the following:

"In cities of the first class the Board of Education may appoint a chief truant officer in addition to the truant officer or officers herein provided for, or may designate one of the truant officers as provided for, as chief truant officer. Such chief truant officer shall be called the Director of Attendance, and his salary shall be fixed by the Board of Education. It shall be the duty of the Director of Attendance, under the general direction of the superintendent of city schools, to supervise, control and direct the work of all truant officers appointed in such city, to supervise, control and direct the taking of the school census when directed by the Board of Education, and to cause to be made and fully kept, reports from all truant officers, principals and teachers, of the workings of this act, and he shall be directly charged with the duty of seeing that the provisions of this act are complied with.

"In cities of the second class the Board of Education may appoint a chief truant officer in addition to the truant officer or officers herein provided for, or may designate one of the truant officers as provided for, as chief truant officer, and shall be authorized to pay such chief truant officer a salary of not exceeding twelve hundred ($1,200) dollars per year to be fixed by said board. It shall be the duty of the chief truant officer, under the general direction of the superintendent of city schools, to supervise, control and direct the work of all truant officers appointed in such city. Such chief truant officer shall cause to be made and fully kept, reports from all truant officers, principals and teachers, of the workings of this act, and shall be directly charged with the duty of seeing that the provisions of this act are complied with."

So that said section as amended shall read as follows:

"Section 6. In the first week of July in each year the Board of Education in each city of the first, second, third and fourth classes shall appoint at least one person for each ten thousand (10,000) children, enrolled in the school census, to serve as truant officers, whose term of office shall be during the pleasure of the board appointing him, who may be removed at any time by said board for cause, and whose duties shall be limited to the city where the appointment is made. If in any such city there shall be less than ten thousand (10,000) children enrolled in the school census, there shall be appointed, as above, one truant officer.

"Said truant officers shall be residents of the city in which they are appointed, and of good moral character. They must be able to read and write with ease. In cities of the first class such truant officers shall not engage in any other occupation during such period of time as the schools are in session each year.

"Before they shall be eligible for appointment, all applicants for the position of truant officer shall be examined by the superintendent of schools, who shall certify to the Board of education only such persons qualified as herein provided.

"Such truant officer shall receive from the tax levy for school purposes of such cities not less than one ($1.00) dollar nor more than three ($3.00) dollars per day during such period of time as he may be employed by the School Board.

"In cities of the first class the Board of Education may appoint a chief truant officer in addition to the truant officer or officers herein provided for, or may designate one of the truant officers as provided for, as chief truant officer. Such chief truant officer shall be called the Director of Attendance, and his salary shall be fixed by the Board of Education. It shall be the duty of the Director of Attendance, under the general direction of the superintendent of city schools, to supervise, control and direct the work of all truant officers appointed in such city, to supervise, control and direct the taking of the school census when directed by the Board of Education, and to cause to be made and fully kept, reports from all truant officers, principals and teachers, of the workings of this act, and he shall be directly charged with the duty of seeing that the provisions of this act are complied with.

"In cities of the second class the Board of Education may appoint a chief truant officer in addition to the truant officer or officers herein provided for, or may designate one of the truant officers as provided for, as chief truant officer, and shall be authorized to pay such chief truant officer a salary of not exceeding twelve hundred ($1,200) dollars per year to be fixed by said board. It shall be the duty of the chief truant officer, under the general direction of the superintendent of city schools, to supervise, control and direct the work

of all truant officers appointed in such city. Such chief truant officer shall cause to be made and fully kept, reports from all truant officers, principals and teachers, of the workings of this act, and shall be directly charged with the duty of seeing that the provisions of this act are complied with."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	C. H. Grimes	Claude D. Minor
H. F. S. Bailey	J. S. Hall	S. Montgomery
Geo. B. Barrett	L. B. Hamilton	G. B. Moores
C. H. Bays	W. B. Harvey	John T. Murphy
Frank J. Brown	W. C. G. Hobbs	E. B. McGlone
W. H. Brown	A. B. Holland	W. J. McMurray
E. Bullock	David J. Howard	C. B. Nichols
Henry A. Cannon	J. M. Howell	S. Mazyck O'Brien
Glover H. Cary	Chas. L. Hunter	A. J. Oliver
A. S. Cooper	R.B.Hutchcraft,Jr.	William A. Perry
James S. Cruse	R. B. Jackson	Geo. L. Pickett
H. C. Cummins	J. M. Johnson	A. B. Pieratt
S. C. Dobbs	T. R. Jones	W. A. Price
Jas. R. Dorman	W. H. Jones	J. D. Pumphrey
William Duffy	H. Clay Kauffman	Harry P. Purnell
Odie Duncan	Wm. J. Kuh	Richard Radcliffe
J. R. Durham	M. E. Lee	D. S. Richardson
J. M. Elliston	Dr. J. E. Lilly	John T. Roach
Wm. Gearheart	Dr. C. W. Mathers	Joe Schneider
W. G. Gooch	Jacob Metzger	L. M. Smith

E. D. Smith	R. C. Tartar	W. M. Webb
Claude B. Smith	J. H. Thompson	Frank M. White
John W. Snider	Robt. R. Treadway	E. S. Wood
Adam Spahn	J. W. Wall	Louis E. Yewell
Ed. D. Stone	John S. Webb	E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Cary, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 308. An act to define common carriers within this State; persons operating certain self propelling public conveyances.

Mr. Spahn moved that said House Bill No. 308 be recommitted to the Committee on Municipalities.

Said motion was agreed to.

Mr. Cary, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 186. An act authorizing boards of education in cities of the first and second class to create a fund for protection against fire and other casualties and regulating its investment and use.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Board of Education of any city of the first or second class shall have power to establish a fund to be known as the "insurance fund," which it may do by resolution so stating and fixing the maximum limit of said fund, and said fund, so set apart, shall be maintained separate and distinct from the other funds and moneys of this board, to be used exclusively for replacing and repairing any injury or destruction to any or the buildings owned by the board or to their contents, when caused by fire, tornado, windstorm, cyclone, casualty, explosion, riot or flood, but not when caused by wear and tear or the natural processes of decadence or deterioration.

§ 2. That the Board of Education may raise the maximum limit of said fund from time to time as it may deem best. Until the amount in said fund shall equal the maximum limit, the Board of Education shall each year from the revenues under its control set apart to said fund a sum equal to one-tenth of the difference between the amount then in the fund and the then maximum limit of the fund, the same to be paid over and placed in said fund in January and July of each year, at least half in December and half in June of that year. Whenever any portion of said fund shall be used as herein provided, payments to restore the fund shall at once be begun and be continued until the restoration is complete. Whenever the fund is, for any reason, below the maximum limit, the interest derived from the investment thereof shall be accumulated and added to the fund, but otherwise said interest may be transferred to the general funds of said board.

§ 3. That said fund shall be kept on deposit with the treasurer of the board, unless by order of the board upon the

recommendation of the Committee on Finance, it be invested under the supervision of that committee in United States, State, county, city or school bonds (not bonds payable from assessments, and registered, if practicable), and if said bonds be coupon bonds, then same shall be kept deposited in a safe deposit vault and be opened only by the business manager or clerk of the board in the presence of the president of the board and the chairman of the Finance Committee.

§ 4. The board shall once each year cause every building to be strictly examined by a competent insurance inspector, who shall make a written report of the result of his examination with recommendations.

§ 5. Whenever any injury occurs to any of the buildings, or their contents, from fire, tornado, windstorm, cyclone, casualty, explosion, riot, or flood, a sworn proof of loss in writing shall be prepared within thirty (30) days thereafter by the business director, which shall show in detail the items of injury, and in detail an estimate of the extent of the financial loss and whether and to what extent the same is covered by insurance, with the names of the companies, the numbers of the policies and the names of the agents, and shall file said statement with the Board of Education. Before the Board of Education shall have power to appropriate any portion of said fund, the Building Committee and the Finance Committee of said board shall report to the board in writing answering in detail the following questions and making such recommendations as it deem best:

a—What is the entire loss on the building? $..... When and what caused it?

b—What, if any, deduction should be made for wear and tear and the natural processes of decadence or deterioration? $.....

c—What, if any, portion of the loss, proposed to be made good from this fund, resulted from causes covered by this fund?

d—Will it be practicable to make the restoration from the general fund and the proceeds of any insurance policies, without assistance from this fund?

e—If assistance is needed from this fund, how much? $.....

f—If so, how will the portion so used be returned to the fund?

g—Does or not each committee recommend an appropriation from this fund to aid in the restoration proposed?

h—If so, how much?

Every vote upon the use or investment of any portion of said fund shall be by call of the ayes and nays and the record shall show how each member voted.

§ 6. In case of delay by any insurance company in paying over to the Board of Education the amount of any loss under a policy, the board may, on the recommendation of the Building and Finance Committees, appropriate out of this fund a sum not exceeding the amount of the provable loss under said policy, to aid in the prompt restoration of such loss. Provided, that in no event shall the amount so drawn from this fund exceed the amount collectable from said policies and that a resolution be adopted setting over to this fund the proceeds of said policies or sufficient thereof to replace the amount so used and the proceeds when collected shall be so used and not otherwise.

§ 7. Any member of the board who shall vote for, or any officer of said board who shall certify to, or draw a check for, an appropriation in violation of this act shall thereby be and become liable to the board for the restoration of the amount of such wrongful appropriation, such liability to be enforced in an action brought by the board or by any citizen of the district or by the Superintendent of Public Instruction of the State, and shall in addition be guilty of malfeasance in office and upon conviction shall forfeit his office and may for each offense be fined not less than $50.00 nor more than $1,000.00, or imprisoned from one to five years, or both so fined and imprisoned, in the discretion of the court—one-half of said fine to be paid over by the collecting officers to said board.

Mr. Murphy offered the following amendment to said bill:

Amend H. B. 186, strike out words "fires or" in line 1 of Section 1.

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Frank C. Greene	C. B. Nichols
H. F. S. Bailey	C. H. Grimes	S. Mazyck O'Brien
Geo. B. Barrett	J. S. Hall	A. J. Oliver
C. H. Bays	W. B. Harvey	A. B. Pieratt
G. G. Brashear	A. B. Holland	W. A. Price
Frank J. Brown	J. M. Howell	J. D. Pumphrey
W. H. Brown	Chas. L. Hunter	Harry P. Purnell
E. Bullock	R.B.Hutchcraft,Jr.	Richard Radcliffe
Glover H. Cary	R. B. Jackson	John T. Roach
R. A. Cook	J. M. Johnson	Joe Schneider
A. S. Cooper	T. R. Jones	L. M. Smith
W. P. Cropper	W. H. Jones	E. D. Smith
James S. Cruse	Wm. J. Kuh	Claude B. Smith
H. C. Cummins	Dr. J. E. Lilly	John W. Snider
S. C. Dobbs	W. R. Lyon	Adam Spahn
Jas. R. Dorman	Dr. C. W. Mathers	Ed. D. Stone
W. E. Dowling	Jacob Metzger	Robt. R. Treadway
William Duffy	Claude D. Minor	J. W. Wall
Odie Duncan	G. B. Moores	W. M. Webb
J. R. Durham	John T. Murphy	Frank M. White
J. M. Elliston	B. F. McAtee	J. D. Wills
L. L. Embrey	E. B. McGlone	E. S. Wood
Wm. Gearheart	W. J. McMurray	Louis E. Yewell
W. G. Gooch	L. T. Neat	E. G. Young

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Mr. Price offered the following amendment to said bill, viz.:

Amend H. B. 186 by striking out of title the words "first and" before the word "second."

Said amendment was agreed to.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Cary, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 510. An act to regulate the grading, packing, marking, shipping and sale of apples, and also to name the standard barrel for same.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the standard grades or classes for apples grown in this State when packed in closed packages shall be as follows:

First: New York standard fancy grade shall consist of apples of one variety, which are well-grown specimens, hand-picked, properly packed, of good color for the variety, normal shape, free from dirt, disease, insect and fungus injury, bruises and other defects except such as are necessarily caused in the operation of packing.

Second: New York standard "A" grade shall consist of apples of one variety which are well-grown specimens, hand-picked, properly packed, of good color for the variety, normal shape, practically free from dirt, diseases, insect and fungus injury, bruises and other defects except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than ten per centum below the foregoing specifications on a combination of all defects or five per centum on any single defect.

Third: New York standard "B" grade shall consist of

apples of one variety which are well matured, hand-picked, properly packed, practically normal shape, practically free from dirt, diseases, insect and fungus injury, and which may be of medium or less than medium color for the variety; or apples of one variety which are not more than ten per centum below the foregoing specifications on a combination of all defects or five per centum on any single defect.

Fourth: Unclassified. Apples not conforming to the foregoing specifications of grade, or, if conforming, are not branded in accordance therewith, shall be classed as unclassified and so branded. The minimum size of the fruit in the package shall also be branded upon it as hereinafter specified and in addition to the other marks hereinafter required.

The marks indicating grade as above prescribed may be accompanied by any other designation of grade or brand if that designation or brand is not inconsistent with or marked more conspicuously than the one of the said four marks, which is used on the said package. Apples packed and branded in accordance with the United States law approved August third, nineteen hundred and thirteen, shall be exempt from the provisions of this act.

The minimum size of the fruit in all classes or grades, including the unclassified, shall be determined by taking the transverse diameter of the smallest fruit in the package at right angles to the stem and blossom end. Minimum sizes shall be stated in variations of one-quarter of an inch, like two inches, two and one-quarter inches, two and one-half inches, two and three-quarter inches, three inches, three and one-quarter inches, and so on, in accordance with the facts.

Minimum sizes may be designated by figures instead of words. The word "minimum" may be designated by using the abbreviation "min."

A tolerance or variation of five per centum on size shall be allowed in all classes, but such five per centum shall not be in addition to the variations or tolerances for defect provided in grades "A" and "B."

§ 2. Every closed package containing apples grown in the State of New York which is packed, sold, distributed, transported or offered or exposed for sale, distribution or transportation in the State by any person shall bear upon the outside of one end in plain letters and figures the name and address of the packer or the person by whose authority the apples were packed and the package marked, the true name of the variety, the grade or class of the apples therein contained and the minimum size of the fruit in the package, as provided by Section one. If the true name of the variety shall not be known to the packer or the person by whose authority the package is packed or branded, then such variety shall be designated as "unknown." Every package of apples which is repacked shall bear the name and address of the repacker or the name of the person by whose authority it is repacked in place of that of the original packer.

§ 3. It shall be unlawful for any person within this State, except under the percentages of tolerance and variation, as allowed by paragraphs second and third of Section one relating to New York standard "A" and "B" grades, to pack, sell, distribute, transport, offer or expose for sale in closed packages apples which are not hand-picked or which are wormy or diseased, or which show fungus or scab injury, unless such fact or facts shall be plainly stated by the use of the words "not hand-picked," "wormy," "diseased," "fungused," or "scabby," as the case may be, said words to be branded upon the outside of the same end of the package on which the marks prescribed by section two shall appear.

§ 4. The marks or brands prescribed by Sections one,

two and three shall be in block letters and figures of size not less than thirty-six point gothic.

§ 5. It shall be unlawful for any person within the State to pack, sell, distribute, transport, offer or expose for sale, distribution or transportation, apples which are adulterated or misbranded within the meaning of this act.

§ 6. For the purposes of this act apples packed in a closed package shall be deemed to be misbranded:

First: If the package shall fail to bear all statements required by Sections one, two and three.

Second: If the package shall be falsely branded or shall bear any statement, design or device regarding such apples which is false or misleading, or if the package bears any statement, design or device indicating that the apples contained therein are New York "standard grade" and said apples when packed or repacked do not conform to the requirements prescribed by section one of this act.

§ 7. For the purposes of this act apples packed in closed packages shall be deemed to be adulterated if their quality or grade when packed or repacked does not conform to the marks upon the package.

§ 8. Any person who knowingly misbrands or adulterates apples within the meaning of this act, or who knowingly violates any of the provisions of this act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine not exceeding twenty-five dollars and not less than ten dollars; for the second offense by a fine not exceeding fifty dollars and not less than twenty-five dollars, and for the third and each subsequent offense by a fine not exceeding two hundred dollars and not less than

fifty dollars, together, in all cases, with the costs of prosecution.

Whenever any such violation is with respect to a lot or shipment consisting of fifty or more closed packages, there may be imposed in addition to the above penalties twenty-five cents for the first offense, fifty cents for the second offense and one dollar for each subsequent offense for each package in excess of fifty with respect to which such violation is committed.

§ 9. The enforcement of this act shall be vested in the Commissioner of Agriculture under rules and regulations to be adopted by him.

§ 10. No person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the person from whom he received such articles to the effect that the same is not adulterated or misbranded within the meaning of this act. Said guaranty to be valid shall contain the true name and address of the person or persons making the sale, and in such case the guarantor shall be liable to the penalties of this act.

§ 11. Definitions. The word "person" as used herein shall be construed to include both the singular and plural, individuals, corporations, co-partnerships, companies, societies and associations. The act, omission or failure of any officer, agent, servant or employe acting within the scope of his employment or office shall be deemed the act, omission or failure of the principal. The words "closed package" shall mean a box, barrel or other package, the contents of which cannot be seen or inspected when such package is closed. The words "not hand-picked" shall include windfalls, drops and apples shaken or knocked from the tree by any agency.

§ 12. No person shall on behalf of any other person pack any fruit for sale, transportation, or distribution contrary to the provisions of this act.

§ 13. This act shall not apply to unpacked apples actually transported in barrels to storage within this State until the same are removed from storage for the purpose of marketing, sale, transportation or distribution. The standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches outside measurement, representing as nearly as possible seven thousand and fifty-six cubic inches, provided that steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith.

§ 14. All acts or parts of acts inconsistent herewith are hereby repealed.

The Committee on Agriculture offered the following amendment to said bill, viz.:

Amend by striking out wherever the same appear the words "New York" and inserting in lieu thereof the word "Kentucky."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same be-

ing engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. B. Harvey	William A. Perry
H. F. S. Bailey	W. C. G. Hobbs	Geo. L. Pickett
Geo. B. Barrett	A. B. Holland	A. B. Pieratt
C. H. Bays	David J. Howard	W. A. Price
Chas. D. Bratcher	J. M. Howell	Harry P. Purnell
G. G. Brashear	Chas. L. Hunter	Richard Radcliffe
Frank J. Brown	R.B.Hutchcraft,Jr.	D. S. Richardson
W. H. Brown	R. B. Jackson	John T. Roach
E. Bullock	T. R. Jones	Joe Schneider
Glover H. Cary	W. H. Jones	L. M. Smith
R. A. Cook	Wm. J. Kuh	E. D. Smith
A. S. Cooper	W. T. Lasley	Claude B. Smith
W. P. Cropper	M. E. Lee	John W. Snider
H. C. Cummins	Dr. J. E. Lilly	Adam Spahn
S. C. Dobbs	Dr. C. W. Mathers	Ed. D. Stone
W. E. Dowling	Jacob Metzger	J. W. Wall
William Duffy	Claude D. Minor	John S. Webb
Odie Duncan	G. B. Moores	W. M. Webb
J. R. Durham	John T. Murphy	J. D. Wills
J. M. Elliston	B. F. McAtee	E. S. Wood
Wm. Gearheart	E. B. McGlone	Louis E. Yewell
W. G. Gooch	W. J. McMurray	E. G. Young
Frank C. Greene	C. B. Nichols	
C. H. Grimes	S. Mazyck O'Brien	—70

Resolved, that the title thereof be as aforesaid.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Cary, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 256. An act to establish an athletic board of control.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established a State Athletic Board of Control. Within thirty days after this act takes effect the Governor shall appoint three persons to be members of such board, who shall hold office for the term of four years following the date of their appointment. The Governor shall also appoint their successors each successive fourth year. The board shall maintain a general office for the transaction of its business. The members of the board shall, at their meeting after this appointment, elect one of their number chairman of the board, shall adopt a seal for the board and may make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient; and they may hereafter amend or abrogate such rules. Two of the members of the board shall constitute a quorum to do business; and the concurrence of at least two members of the board shall be necessary to render a choice or decision by the board.

§ 2. The board shall appoint, and at pleasure remove, a secretary to the board, whose duty it shall be to keep a full and true record of its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him

by the board and to perform such other duties as the board may prescribe; and he may, under direction of the board, issue subpoenas for the attendance of witnesses before the board with the same effect as if they were issued in an action in a Circuit Court of this Commonwealth, and may, under direction of the board, administer oaths in all matters pertaining to the duties of his office or connected with the administration of the affairs of the board. Disobedience of such a subpoena and false swearing before such secretary shall be attended by the same consequence and subject to the same penalties as if such disobedience or false swearing occurred in an action in court. The necessary traveling and other necessary expenses of the members of the board, which, including the salary of the secretary, shall not exceed the sum of five thousand ($5,000.00) dollars per year, shall be paid monthly out of the funds of the board. The board shall bi-annually make, to the Legislature, a full report of its proceedings for the year, ending with the first day of the preceding December, and may submit, with such report, such recommendations pertaining to its affairs as to it shall seem desirable.

§ 3. The board shall have, and hereby is vested with the sole direction, management and control of and jurisdiction over, all boxing and sparring matches and exhibitions to be conducted, held or given within the State by any person, club, corporation or association; and no boxing or sparring match or exhibition shall be conducted, held or given within the State except pursuant to its authority and in accordance with the provisions of this act. The board may, in its discretion, issue, and at its pleasure revoke, a license to conduct, hold or give boxing or sparring matches or exhibitions to any person, club, corporation or association. Every license shall be subject to such rules and regulations and amendments thereof as the board may prescribe. Every application for a license, as herein provided for, shall be in writing and shall be addressed to the board and shall be verified by some officer

of the club, corporation or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license and in addition thereto, such facts and recitals as the board may by rule require to be shown.

§ 4. All buildings or structures used, or intended to be used, for the purpose of this act, shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and in all manner conform to the laws, ordinances and regulations pertaining to buildings in the city, town or village where situated. Where a part of a building or structure is used for the purpose set forth in this act, this section shall apply in the same manner.

§ 5. No boxing or sparring match or exhibition shall be of more than fifteen rounds in length; and the contestants shall wear, during such contest, gloves weighing at least six ounces. The contestants in such boxing or sparring match or exhibition shall be examined by a reputable physician appointed by the board, who is licensed as such physician, and shall be in excellent physical condition before participating in such boxing or sparring contest or exhibition.

§ 6. No decision shall be rendered in any contest given under this act.

§ 7. No contest under this act shall be held on Sunday.

§ 8. Any contestant who shall participate in any sham or fake boxing or sparring match or exhibition shall penalized in the following manner: For the first offense he shall be restrained for a period of one year, such period to begin immediately after the occurrence of such offense, from participating in any boxing competition to be held or given by any person, club, corporation or association duly licensed to give

or hold any such boxing or sparring match or exhibition; for the second offense, he shall be totally disqualified from further admission or participation in any boxing contest held or given by any person, club, corporation or association duly licensed for said purpose.

§ 9. Every person, club, corporation or association which may hold or exercise any of the privileges conferred by this act, shall, within twenty-four hours after the determination of every contest, furnish to the board a written report, duly verified by one of their officers, showing the number of tickets sold for such contest and the amount of the gross proceeds thereof, and such other matters as the board may prescribe, and shall also within the same time pay to the board a tax of five per centum of its total receipts, from the sale of all tickets to such boxing or sparring match or exhibition, which tax, after the payment therefrom of the expenses of the board and the salary of the secretary of the board, as herein provided, shall be turned over to the State Treasurer and credited to the State School Fund. Before any license shall be granted to any person, club, corporation or association to conduct, hold or give any boxing or sparring match or exhibition, such applicant therefor shall execute and file with the board a bond in the sum of five thousand ($5,000.00) dollars, to be approved as to form, and the sufficiency of the sureties thereon, by the board, conditioned for the payment of the tax hereby imposed. Upon the filing and approval of such bond, the board shall issue such applicant for such license a certificate of such filing and approval, which shall by such applicant be filed in the office of the board with its application for such license; and no license shall be issued until such certificate shall be so filed.

§ 10. Whenever any such person, club, corporation or association shall fail to make a report of any contest at the time prescribed by this act, or whenever such report is un-

satisfactory to the board, they may examine or cause to be examined the books and records of such person, club, corporation or association and subpoena and examine, under oath, its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any contest and the amount of the tax due, pursuant to the provisions of this act, which tax they may, upon, and as the result of such examination, fix and determine. In case of the default in the payment of any tax so ascertained to be due, together with the expenses incurred in making such examination, for a period of twenty days after notice to such delinquent person, club, corporation or association of the amount at which the same may be fixed by the board, such delinquent shall, *ipso facto,* forfeit its license and shall thereby be disqualified from receiving any new license or any renewal of license; and it shall, in addition, forfeit to the people of the Commonwealth of Kentucky the sum of five hundred dollars, which may be recovered by the Attorney General in the name of the people of the Commonwealth of Kentucky in the same manner as other penalties are by law recovered.

§ 11. Any person who violates any of the provisions of this act, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor and subject to a fine of not less than ten dollars nor more than one hundred dollars.

§ 12. The provisions of Sections 1284, 1285, 1286, 1287, 1288, 1289 and 1290 of the Kentucky Statutes, Carroll's Edition 1915, shall not apply to any boxing or sparring match or exhibition conducted, held or given by any person, club, corporation or association duly licensed pursuant to the provisions of this act.

§ 13. The license fee shall be five hundred dollars and

shall be payable to the board and shall be used by said board in liquidating the expenses of the board, together with any other funds as may come into the hands of the board under the provisions of this act, and after the necessary expenses have been paid, which are not to exceed five thousand dollars per annum; the funds remaining shall be turned over to the State Treasurer and credited to the State School Fund.

§ 14. The board shall make an accounting to the State Treasurer on or before the first of January of each year.

§ 15. Any person or persons conducting a boxing or sparring contest under this act must be a bona fide resident of Kentucky for at least three years before such contest takes place.

The Committee on Municipalities offered the following amendment to said bill, viz.:

Amend Section 13, line 1, H. B. 256, by inserting the word "annually," after the words "five hundred dollars."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. S. Hall	Geo. L. Pickett
Geo. B. Barrett	W. C. G. Hobbs	W. A. Price
E. Bullock	J. M. Howell	J. D. Pumphrey
Glover H. Cary	Chas. L. Hunter	D. S. Richardson
A. S. Cooper	R.B.Hutchcraft,Jr.	Joe Schneider
James S. Cruse	Wm. J. Kuh	E. D. Smith
S. C. Dobbs	W. T. Lasley	Claude B. Smith
Jas. R. Dorman	Dr. J. E. Lilly	John W. Snider
Thomas A. Dover	Jacob Metzger	Adam Spahn
W. E. Dowling	Claude D. Minor	R. C. Tartar
William Duffy	S. Montgomery	J. H. Thompson
Odie Duncan	John T. Murphy	Robt. R. Treadway
J. M. Elliston	B. F. McAtee	J. W. Wall
Wm. Gearheart	S. Mazyck O'Brien	John S. Webb
W. G. Gooch	A. J. Oliver	Louis E. Yewell
Frank C. Greene	William A. Perry	—47

Those who voted in the negative were—

H. F. S. Bailey	David J. Howard	John T. Roach
C. H. Bays	J. M. Johnson	L. M. Smith
Chas. D. Bratcher	T. R. Jones	Ed. D. Stone
G. G. Brashear	W. H. Jones	Frank M. White
W. H. Brown	M. E. Lee	J. D. Wills
W. P. Cropper	G. B. Moores	M. O. Wilson
H. C. Cummins	E. B. McGlone	E. S. Wood
J. R. Durham	W. J. McMurray	E. G. Young
C. H. Grimes	L. T. Neat	
W. B. Harvey	A. B. Pieratt	—27

Mr. Barrett offered the following amendment to said bill, viz.:

Amend H. B. 256 by inserting as the title thereof the words, "An act to establish an athletic board of control and describe the duties and powers of same," and to license and

regulate the giving or holding of boxing or sparring contests or exhibitions in this State and providing for a penalty for the violation of this act.

Said amendment was agreed to.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 116. An act to authorize any city in this State owning its own water or light plant and furnishing water and light to such city to furnish water or light to any other city in this State, and to authorize any city in this State to contract for water and light from any city owning its water or light plant and furnishing water and light.

Said bill reads as follows:

Be it enacted by the General Asembly of the Commonwealth of Kentucky:

§ 1. Any city or town in this State shall have the right to acquire a franchise to furnish water and light to any other city or town in the same way and manner that any private corporation or individual may acquire such franchise.

§ 2. Any city or town in this State owning and operating its own water or light plant shall have the power to enter into a contract or agreement with any other city or town to furnish such other city or town water and light, and any city or town may contract with any other city or town

owning its water or light plant to receive from such city water or light. Such contracts or agreements may be entered into by the city council or board of commissioners of such cities, and said authorities are given full power to so contract and agree with each other in regard to the furnishing of water or light, and such contract shall set out specifically the terms thereof; and any city or town is authorized to pay to any other city or town a rental for water and light from year to year, and any city or town may construct, erect or lay its own mains, pipes or wires to receive water or light from any city or town owning and operating its water or light plant, or it may contract with such city to do these things.

§ 3. Any city or town is hereby authorized to construct, erect, lay or maintain mains, pipes, lines or other necessary apparatus to convey water or light between any city or town owning and operating its water or light plant and any other city or town, and to this end any city or town is authorized and empowered to acquire rights and rights of ways in the same way or manner that private corporations or individuals may acquire rights or rights of ways, and any city or town is authorized to do any and all things in carrying into effect the provisions of this act which any individual or corporation may do.

§ 4. All laws and parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. C. G. Hobbs	W. A. Price
Geo. B. Barrett	A. B. Holland	Harry P. Purnell
C. H. Bays	David J. Howard	Richard Radcliffe
Chas. D. Bratcher	Chas. L. Hunter	D. S. Richardson
G. G. Brashear	R.B.Hutchcraft,Jr.	John T. Roach
Frank J. Brown	J. M. Johnson	Joe Schneider
W. H. Brown	T. R. Jones	L. M. Smith
E. Bullock	W. H. Jones	E. D. Smith
Henry A. Cannon	Wm. J. Kuh	Claude B. Smith
Glover H. Cary	Dr. J. E. Lilly	John W. Snider
R. A. Cook	Jacob Metzger	Ed. D. Stone
A. S. Cooper	Claude D. Minor	R. C. Tartar
W. P. Cropper	G. B. Moores	J. H. Thompson
H. C. Cummins	John T. Murphy	Robt. R. Treadway
S. C. Dobbs	B. F. McAtee	J. W. Wall
Thomas A. Dover	E. B. McGlone	John S. Webb
W. E. Dowling	W. J. McMurray	W. M. Webb
William Duffy	L. T. Neat	Frank M. White
J. R. Durham	C. B. Nichols	J. D. Wills
J. M. Elliston	S. Mazyck O'Brien	M. O. Wilson
Wm. Gearheart	A. J. Oliver	E. S. Wood
Frank C. Greene	William A. Perry	Louis E. Yewell
C. H. Grimes	Geo. L. Pickett	E. G. Young
J. S. Hall	A. B. Pieratt	—71

Resolved, that the title thereof be as aforesaid.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 508. An act to convey to Hart county the interest of the State of Kentucky in the Rio Bridge Company, a corporation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The right, title and interest of the State of Kentucky in the Rio Bridge Company, a corporation, owning and operating a bridge across Green river, in Hart county, Kentucky, is hereby granted and conveyed to the Fiscal Court of Hart county, Kentucky, and their successors, for the use and benefit of Hart county, Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Glover H. Cary	J. R. Durham
H. F. S. Bailey	R. A. Cook	J. M. Elliston
Geo. B. Barrett	A. S. Cooper	Frank C. Greene
C. H. Bays	W. P. Cropper	C. H. Grimes
Chas. D. Bratcher	R. T. Crowe	J. S. Hall
G. G. Brashear	James S. Cruse	W. C. G. Hobbs
Frank J. Brown	H. C. Cummins	A. B. Holland
W. H. Brown	S. C. Dobbs	David J. Howard
Henry A. Cannon	Thomas A. Dover	Chas. L. Hunter

J. M. Johnson	L. T. Neat	E. D. Smith
T. R. Jones	C. B. Nichols	Claude B. Smith
W. H. Jones	S. Mazyck O'Brien	John W. Snider
Wm. J. Kuh	A. J. Oliver	Ed. D. Stone
M. E. Lee	William A. Perry	R. C. Tartar
Dr. J. E. Lilly	Geo. L. Pickett	J. H. Thompson
Dr. C. W. Mathers	A. B. Pieratt	Robt. R. Treadway
Jacob Metzger	W. A. Price	J. W. Wall
Claude D. Minor	J. D. Pumphrey	John S. Webb
G. B. Moores	Harry P. Purnell	Frank M. White
John T. Murphy	D. S. Richardson	M. O. Wilson
B. F. McAtee	John T. Roach	E. S. Wood
E. B. McGlone	Joe Schneider	E. G. Young
W. J. McMurray	L. M. Smith	—68

There voted in the negative—

J. D. Wills —1

Resolved, that the title thereof be as aforesaid.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Cary, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 53. An act to authorize the guardian of an infant and the committee of an idiot or lunatic to lease the real estate of such infants, idiots or lunatics for mining purposes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the guardian of an infant or the committee of an idiot or lunatic may lease the real estate of such infant, idiot, or lunatic for the purpose of mining, manufacturing and removing all or part of the coal, oil, gas and any or all other mineral or mineral substances and products therein; together with the usual and necessary privileges to mine, manufacture, bore for, store, pump and remove the same, and similar products taken from other land. Such lease may be for such length of time as the guardian or commttee may approve without being limited to the time at which the disability of such infant or lunatic may be removed.

§ 2. Provided, that no such lease shall be made until the guardian or committee shall have filed with the county court of the county in which the land lies, a written application accompanied by a copy of the proposed lease; and, provided, further, that such application and proposed lease be approved by the county court by order duly entered of record. Upon the filing of such application process shall issue thereupon and be executed upon such infant, idiot or lunatic in the manner provided by law. Upon such approval by the county court so entered of record, the guardian or committee may execute the proposed lease; and the same shall thereupon be binding upon such infant, idiot or lunatic and upon their representatives, heirs and assigns.

§ 3. Provided, further, that no such order shall be entered by the county court at a term other than a regular term of court; and not unless it shall appear to the court to be to the interest of the ward, idiot or lunatic so to do. And, before the entering of such order, notice of intention to apply therefor shall be published in a newspaper published in the county where the land lies, if there be one, for the two successive weeks prior to the time the application is to be made. If there be no such newspaper published in

the county, then such notice shall be given by written or printed notices posted for fifteen days prior to the time such application is to be made, one to be posted on the front door of the court house, one upon the land, and one in the vicinity thereof; and proof of such application, notice and proposed lease upon approval by the county court shall be spread at large upon the order book of the court.

§ 4. The husband, wife, father, mother or next friend of such infant, idiot or lunatic shall have the right to file exceptions to the execution of such proposed lease, and the same shall be tried by the court, upon oral evidence, or by depositions as provided by law in the trial of civil issues. The guardian, committee, husband, wife, father, mother or next friend feeling aggrieved by the judgment of the county court, may prosecute an appeal therefrom to the circuit court of the county in the manner and within the time provided by the general law regulating appeals from judgments of the county court, but the judgment of the circuit court upon such appeal shall be final and not the subject of further appeal.

The Committee on Kentucky Statutes offered the following amendment, by way of substitute therefor, to said bill, viz.:

Said substitute reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the guardian of an infant or the committee of a person of unsound mind may lease the real estate, or any interest therein, of such infant or person of unsound mind for the purpose of mining and removing all or part of the coal, oil, gas and any or all other mineral or mineral

substances and products therein, together with the usual and reasonably necessary privileges to mine, bore for, store, pump and remove the same, and similar products taken from other land, and the right to dump upon said land refuse or other products taken therefrom and from other land, and to erect upon said land miners' houses, commissaries and hotels and other houses and equipment reasonably necessary to enable the lessee to carry on the business in the most economical way. Such lease may be for such length of time as the guardian or committee may approve, without being limited to the time at which the disability of such infant or person of unsound mind may be removed.

§ 2. No such lease shall be made until the guardian or committee shall have filed in the office of the clerk of the circuit court of the county in which the land, or the greater portion thereof lies, a petition against such infant or person of unsound mind, setting forth a description of the land of such infant or person of unsound mind, upon which the lease is proposed to be executed. It shall likewise state facts showing the propriety of making a lease thereof, or of such interests therein as may be the subject of such proposed lease, and that such leasing would be of advantage and benefit to such infant or person of unsound mind. Upon the filing of such petition, process shall issue thereupon and be executed in the manner provided by law.

§ 3. For every such infant or person of unsound mind so summoned, the court shall appoint a guardian *ad litem*, whose duty it shall be to take such steps as may be necessary to protect the interests of such infant or person of unsound mind.

§ 4. Matters arising upon the petition shall be heard and disposed of by the court upon evidence taken and filed as in trial of other equity causes, and if it be clearly shown by

the petition, exhibits and evidence of at least two credible witnesses that the interest of the infant or person of unsound mind will be promoted by the lease, the court may order such real estate or any interest therein, or any part thereof, to be leased in such manner and on such terms and in such parcels as may be deemed most beneficial to the infant or person of unsound mind. The court shall prescribe by judgment all the terms of such proposed lease, except the rate of royalty to be paid, and the minimum thereof, if the judgment prescribes a minimum, which the court may or may not do in its discretion. Neither the guardian, guardian *ad litem* nor committee shall be a purchaser or lessee or be beneficially interested in the subject of the lease, either directly or indirectly. But no real estate, or any interest therein, of any infant or person of unsound mind shall be leased, if forbidden by the deed, will or contract under which the property is held. No lease shall be valid or binding until presented to the court, in open court, and approved by an order entered of record, which approval shall be endorsed thereupon and signed by the Circuit Judge, and all leases executed hereunder shall be in the name of such infant or person of unsound mind, by his guardian or committee, as the case may be, or by the Commissioner of the Court, as the court may order, and shall contain covenants of special warranty only. And the court shall have authority to reject any and all bids.

§ 5. Notice of such sale shall be advertised in the same manner that sales of real estate under execution are required by law to be advertised.

§ 6. If the court find that the interest of the infant or person of unsound mind will not be promoted by the lease, the petition shall be dismissed at the cost of the petitioner; otherwise the costs of the proceedings shall be paid out of the avails and proceeds of the lease.

§ 7. In case such lease be made, the guardian or committee shall, in open court, execute a bond, to be approved by the court, to the infant or person of unsound mind, with at least two solvent sureties, conditioned for the faithful application of the proceeds of such lease coming into his hands by virtue thereof. The court shall endorse his approval thereupon, which shall be recorded with the order approving the lease, and certified by the clerk of said court to the clerk of the county court, to be recorded and properly indexed by the latter, and the circuit court may at any time thereafter require from such guardian or committee the execution of a new bond, with other or additional security, to be given if deemed necessary.

§ 8. All amounts accruing and to accrue under such lease shall be treated as an income of the estate of such infant or person of unsound mind, and shall be held and accounted for as such by the guardian or committee. The leasehold estate, upon the death of such infant or person of unsound mind, without having disposed of the same in the manner authorized by law, shall descend to the real representatives of such infant or person of unsound mind.

§ 9. The guardian or committee, or his successor as such, shall from time to time, make settlements to the county court as provided by law. And upon the infant becoming of age, or the person of unsound mind becoming of sound mind shall make a final and complete settlement of all amounts received under such lease, and account for the same as herein and by law provided and shall thereupon be discharged from further duty or accountability as such guardian or committee. Thereafter the rights and obligations of such former infant or person of unsound mind and the lessee shall be the same as if the lease had been executed originally to the lessee by a person over twenty-one years of age and free from any disability.

Said amendment, by way of substitute, was agreed to.

Mr. Roach offered the following amendment to said substitute, viz.:

Amend Substitute Section 5, line 1, by striking out the word "sale" and inserting in line thereof the word "lease."

Said amendment was agreed to.

Mr. Hobbs offered the following amendment to said substitute, viz.:

Amend Substitute by adding thereto the word "curator" wherever the words "guardian" and "committee" appear so it will read "guardian, curator or committee."

Said amendment was agreed to.

Mr. Minor offered the following amendment to said substitute, viz.:

Amend substitute for House Bill 53 by adding after the word "mind" in line 6 of section 8, and before the period in said line, the words "for distribution among the decedent's heirs at law."

Said amendment was agreed to.

Mr. W. M. Webb moved that the session be extended until the matter under consideration is disposed of.

Said motion was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Chas. L. Hunter	A. B. Pieratt
Geo. B. Barrett	R.B.Hutchcraft,Jr.	W. A. Price
C. H. Bays	R. B. Jackson	J. D. Pumphrey
G. G. Brashear	J. M. Johnson	Harry P. Purnell
Frank J. Brown	T. R. Jones	Richard Radcliffe
W. H. Brown	W. H. Jones	D. S. Richardson
Henry A. Cannon	H. Clay Kauffman	John T. Roach
Glover H. Cary	Wm. J. Kuh	Joe Schneider
R. A. Cook	W. T. Lasley	L. M. Smith
A. S. Cooper	M. E. Lee	E. D. Smith
W. P. Cropper	Dr. J. E. Lilly	Claude B. Smith
R. T. Crowe	Dr. C. W. Mathers	John W. Snider
H. C. Cummins	Jacob Metzger	Adam Spahn
S. C. Dobbs	Claude D. Minor	Ed. D. Stone
Jas. R. Dorman	S. Montgomery	R. C. Tartar
J. R. Durham	G. B. Moores	Robt. R. Treadway
J. M. Elliston	John T. Murphy	D. B. Tyra
Wm. Gearheart	B. F. McAtee	J. W. Wall
W. G. Gooch	E. B. McGlone	John S. Webb
C. H. Grimes	W. J. McMurray	W. M. Webb
J. S. Hall	L. T. Neat	Frank M. White
W. C. G. Hobbs	C. B. Nichols	J. D. Wills
A. B. Holland	S. Mazyck O'Brien	Louis E. Yewell
David J. Howard	William A. Perry	E. G. Young
J. M. Howell	Geo. L. Pickett	—74

Amend the title to House Bill 53 as passed by way of substitute therefor, by adding thereto the "curator" where

the words "guardian" and "committee" appear so that same will read "guardian, committee or curator."

Said amendment was agreed to.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned.

EVENING SESSION.

At 7 o'clock the House reconvened.

Mr. Gardner moved that the doors of the House be closed and the Sergeant-at-Arms go and bring before the bar of the House the absent members.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 293. An act to amend and re-enact chapter 31 of the published Acts of 1910, which is "An act providing and appropriating money for a contingent fund for the use of the Governor of this Commonwealth," and which was approved by the Governor March 19, 1910.

To the Committee on Appropriations.

S. B. 181. An act appropriating money for the repairs for the colored wards for the Eastern State Hospital at Lexington, Ky.

To the Committee on Appropriations.

S. B. 217. An act authorizing the Commonwealth of Kentucky to pay the indebtedness created against the property of the Western Normal School by the provisions of section 4535c, Kentucky Statutes, and authorizing the Board of Regents of said school to pay a part of said indebtedness out of the annual appropriation made for the support of said school, and appropriating money for said purpose.

To the Committee on Appropriations.

S. B. 119. An act relating to and regulating the sanitary conditions of foods, to provide for inspection, and creating penalties for the violation thereof.

To the Committee on Pure Food.

S. B. 193. An act regulating trapping and for the protection of fur-bearing animals, and providing penalties for violations of act.

To the Committee on Fish and Game.

S. B. 109. An act to amend and re-enact subsections 2, 4, 5, 8 and 10 of section 3727a, Kentucky Statutes, 1915 edition.

To Committee on Kentucky Statutes.

S. B. 83. An act to amend "An act to amend section 612a of the Kentucky Statutes relative to bank and trust companies, and to re-enact the same as amended," approved March the 24th, 1906, and being section 612a, Kentucky Statutes, Carroll's edition, 1915.

To the Committee on Banks and Banking.

S. B. 180. An act appropriating money to erect a

congregate dining room and new kitchen and construct a sewage disposal plant at Central State Hospital, Lakeland, Kentucky.

To the Committee on Charitable Institutions.

S. B. 343. An act for the benefit of West Kentucky Industrial College.

To the Committee on Education.

S. B. 248. An act to amend and re-enact section 1486, Carroll's edition of the Kentucky Statutes of 1915, entitled, "Registration in cities and towns."

To the Committee on Municipalities.

S. B. 259. An act to amend section 552 of the Kentucky Statutes being section 13 of an act entitled "An act providing for the creation and regulation of private corporations," which became a law April 5th, 1893.

To the Committee on Kentucky Statutes.

S. B. 337. An act to convey to Hart county the interest of the State of Kentucky in the Rio Bridge Company, a corporation.

To the Committee on Public Utilities.

S. B. 314. An act to amend an act entitled "An act to amend section 4645a of the Kentucky Statutes (Carroll's edition, 1909) increasing the salary of the stenographer to the Governor."

To the Committee on Kentucky Statutes.

Also that they had passed a resolution which originated in that body of the following title, viz.:

S. Res. 23. A joint resolution making an appropriation for purpose of erecting a monument to the memory of Hon. William Lindsay.

To the Committee on Appropriations.

Also that they had passed bills which originated in the House of the following titles, viz.:

H. B. 110. An act to regulate the organization and operation of assessment or co-operative fire insurance companies.

H. B. 158. An act to amend and re-enact section 4203, Kentucky Statutes, relating to the granting of license to persons to retail intoxicating liquors; and to regulate the issue of license for the purpose of retailing spirituous, vinous and malt liquors, and to require the location and description of the place for which such license is valid, and to forbid the use of blinds or screens in such places during such hours and days as liquor may not be sold, and providing for the forfeiture of such licenses, and for the prosecution of certain officials for failure to discharge duties imposed upon them.

Also that they had adopted a resolution which originated in the House of the following title, viz.:

Resolution authorizing the exchange of a strip of ground 20 feet wide, belonging to Jennie Gentry, in the town of Rollington, Oldham county, Kentucky, for a strip of ground in Rollington, Oldham county, Ky., 20 feet wide, belonging to the State of Kentucky, and used by the Kentucky Confederate Home.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 228. An act to amend section two of an act entitled: "An act to amend an act approved March the 21st, 1906, entitled: 'An act to establish a system of State Normal Schools in Kentucky; to create a board of regents for the general management thereof; to create a normal executive council which shall determine the requirements for admission and graduation and the courses of study for said schools, to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance,'" approved March 24, 1908.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of an act entitled "An act to amend an act approved March 21, 1906, entitled 'An act to establish a system of State Normal Schools in Kentucky; to create a board of regents for the general management thereof; to create a normal executive council, which shall determine the requirements for admission and graduation and the courses of study for said schools; to create a commission, which shall determine the location of said schools, and to appropriate funds for their maintenance,'" approved March 24, 1908, be and the same is hereby amended by inserting after the words: "The elementary certificate shall be conferred upon the completion of," and before the words: "One year's work," the words: "Not less than," by inserting after the words: "The intermediate certificate shall be conferred upon the completion of," and before the words: "Two years' work," the words: "Not less than," and by inserting after the words: "The advanced certificate shall

be conferred upon the completion of," and before the words: "Three years' work," the words: "Not less than;" so that when said section two of said act is so amended and re-enacted shall be and read as follows:

Each board of regents shall have full power and authority, subject to the approval of the State Superintendent of Public Instruction, to confer, under its corporate seal, upon students of said schools the following certificates, viz.: An "elementary certificate," an "intermediate certificate" and an "advanced certificate."

The elementary certificate shall be conferred upon the completion of not less than one year's work, and shall entitle the holder thereof to teach in any public school in this State for the period of two years from the date thereof without further examination. The intermediate certificate shall be conferred upon the completion of not less than two years' work, and shall entitle the holder thereof to teach in any public school in this State for a period of four years from the date thereof without further examination. The advanced certificate shall be conferred upon the completion of not less than three years' work, and shall entitle the holder thereof to teach in any public school in this State for a period of three years from the date thereof without further examination, and if, at the end of the three years, a teacher holding an advanced certificate shall present to the board of regents which granted the same, satisfactory evidence of successful teaching during said period, and of good moral character, then the advanced certificate may be extended for life, or good behavior, by said board, subject, however, to the approval of the State Superintendent of Public Instruction; and it shall be so endorsed by the said board, and the holder thereof shall be entitled to teach in any public school in this State during good behavior without further examination.

The official endorsement of the State Superintendent of Public Instruction shall be necessary to validate any certificate, or extension thereof above named. Any certificate may be revoked for cause by the board of regents of the school granting the same, or by the State Superintendent of Public Instruction. Any county superintendent may, for cause, revoke for his county, any certificate, of which revocation notice shall be given to the State Superintendent of Public Instruction, and he shall have power to approve or reverse such revocation.

The secretary of the board of regents shall annually on or before the first day of August, transmit to the State Superintendent of Public Instruction the names of those receiving such certificates, their date of issue, and the place of residence of each holder, and the State Superintendent shall annually, not later than August 15th, forward to each county school superintendent a printed list of persons holding State certificates then in force, and those authorized to teach under the provisions of this section, giving names, residences, dates of qualification, and by whom conferred, and the date on which each normal certificate shall expire; and the holder of such certificate shall, before commencing to teach a public school in any county in this State, notify the county superintendent thereof, of such fact, give date of qualification and by whom conferred, and the county school superintendent shall verify same by examination of the list sent him by the State Superintendent, and, if found correct, shall duly record the said teacher as eligible to teach in such county.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	David J. Howard	S. Mazyck O'Brien
Geo. B. Barrett	J. M. Howell	William A. Perry
C. H. Bays	Chas. L. Hunter	Geo. L. Pickett
Frank J. Brown	R.B.Hutchcraft,Jr.	A. B. Pieratt
Glover H. Cary	R. B. Jackson	W. A. Price
A. S. Cooper	J. M. Johnson	Richard Radcliffe
W. P. Cropper	T. R. Jones	John T. Roach
H. C. Cummins	H. Clay Kauffman	Joe Schneider
S. C. Dobbs	W. T. Lasley	L. M. Smith
Jas. R. Dorman	M. E. Lee	E. D. Smith
W. E. Dowling	Dr. J. E. Lilly	Claude B. Smith
William Duffy	Dr. C. W. Mathers	John W. Snider
J. R. Durham	Jacob Metzger	Adam Spahn
J. M. Elliston	Claude D. Minor	Ed. D. Stone
L. L. Embrey	S. Montgomery	R. C. Tartar
T. T. Gardner	G. B. Moores	J. Wood Vance
W. G. Gooch	John T. Murphy	J. W. Wall
Frank C. Greene	B. F. McAtee	John S. Webb
J. S. Hall	E. B. McGlone	J. D. Wills
W. B. Harvey	W. J. McMurray	E. S. Wood
W. C. G. Hobbs	L. T. Neat	Louis E. Yewell
A. B. Holland	C. B. Nichols	E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 408. An act to amend Section 1, Subdivision 1, Article 13, Chapter 22 of the Acts of 1906, being an act entitled "An act relating to revenue and taxation."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1, Subdivision 1, Article 13, Chapter 22 of the Acts of the General Assembly of 1906, be amended by adding after the words "Secretary of State" therein, the following, to-wit:

Provided, that every corporation which has not heretofore paid the organization tax upon any or all of its capital stock, and which, by amendment of its charter, changes its name, increases its powers, enlarges its scope, or prolongs its corporate life, shall, upon the filing of such amendment, pay the tax as above provided, upon its entire capital stock, or so much thereof as has not theretofore borne the tax.

So that said section, when amended, shall read as follows:

1. Every corporation which may be incorporated by or under the laws of this State, having a capital stock divided into shares, shall pay into the State treasury one-tenth of one per centum upon the amount of capital stock which such corporation is authorized to have, and a like tax upon any subsequent increase thereof. Such tax shall be due and payable on the incorporation of the company and on the increase of the capital stock thereof, and no such corporation shall

have or exercise any corporate powers until the tax shall have been paid, and upon payment it shall file a statement thereof with the Secretary of State.

Provided, That every corporation which has not heretofore paid the organization tax upon any or all of its capital stock, and which, by amendment of its charter, changes its name, increases its powers, enlarges its scope, or prolongs its corporate life, shall upon the filing of such amendment, pay the tax as above provided, upon its entire capital stock, or so much thereof as has not theretofore borne the tax.

Mr. Cary moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Peter Ampler	W. P. Cropper	William Duffy
H. F. S. Bailey	R. T. Crowe	Odie Duncan
Geo. B. Barrett	H. C. Cummins	J. R. Durham
Frank J. Brown	S. C. Dobbs	J. M. Elliston
Glover H. Cary	Jas. R. Dorman	L. L. Embrey
A. S. Cooper	W. E. Dowling	T. T. Gardner

W. G. Gooch	Dr. C. W. Mathers	D. S. Richardson
Frank C. Greene	Jacob Metzger	John T. Roach
J. S. Hall	Claude D. Minor	Joe Schneider
W. C. G. Hobbs	S. Montgomery	L. M. Smith
A. B. Holland	G. B. Moores	E. D. Smith
David J. Howard	John T. Murphy	Claude B. Smith
J. M. Howell	B. F. McAtee	John W. Snider
Chas. L. Hunter	E. B. McGlone	Adam Spahn
R.B.Hutchcraft,Jr.	W. J. McMurray	Ed. D. Stone
R. B. Jackson	C. B. Nichols	R. C. Tartar
J. M. Johnson	S. Mazyck O'Brien	J. Wood Vance
T. R. Jones	William A. Perry	J. W. Wall
H. Clay Kauffman	Geo. L. Pickett	John S. Webb
Wm. J. Kuh	A. B. Pieratt	Frank M. White
W. T. Lasley	W. A. Price	J. D. Wills
M. E. Lee	J. D. Pumphrey	Louis E. Yewell
Dr. J. E. Lilly	Richard Radcliffe	E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. Cary moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Cary, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 203. An act to govern public schools in cities of the fourth class.

Mr. Gardner moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 10, 1916.

The House was opened with prayer by the Rev. J. L. Alderson, assistant pastor of the Christian Church, of Frankfort, Kentucky.

The reading of the House Journal of yesterday was dispensed with.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 327. An act relating to drainage.

To the Committee on Public Ditches and Fences.

S. B. 323. An act to prevent any person who obtains a divorce from the bonds of matrimony in this State from marrying within one year after such divorce is granted.

To the Committee on Kentucky Statutes.

Mr. Pumphrey, of the Committee on Rules, called up for consideration the unfinished business of yesterday, viz.:

H. B. 203. An act to govern public schools in cities of the fourth class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 89, subdivision 11, the same being sections 3588 to 3606 inclusive, Kentucky Statutes, Carroll's Edition of 1909, relating to public schools in cities of the fourth class, be and the same is hereby repealed, and that there be and there is, enacted in lieu thereof, the following:

Each city of the fourth class in this State, together with the territory now within its limits, including any territory which has heretofore been added for school purposes outside the limits of said city, and in territory which may be in the future included by any change in the limits of such cities, shall be and constitute a single school district, and the supervision and government of common schools and common school property therein shall be vested in a board of five trustees to be called and known as the "Board of Education of..... Kentucky" (in which title the name of such city shall be inserted). Such board of education shall be a body corporate, and shall have power, by and in said name, to sue and be sued, contract and be contracted with, purchase, receive, hold and sell property, do all things necessary to accomplish the purpose for the attainment of which such school district is organized, and succeed to all the property, property rights and privileges of whatever kind or nature, granted and belonging to any previous corporation, board of education or school district in such city, or officers thereof, authorized or empowered by any enactment of the General Assembly of the State to do anything in reference to the public education. Provided, that all pending suits to which any such previous corporation, board of education or school district, or officers thereof, is a party, may be prosecuted to an end in the name of such party. The titles to property previously granted to such city by the United States or this State, for common school purposes, and the title to all school lands and other property of every kind, shall be vested in the board of education created by this act.

§ 2. Every such board of education shall have general

and supervising control, government and management of the public schools, including kindergartens, night and normal schools and high schools as hereinafter provided, and public school property in such city, with the right to use said property to promote public education in such ways as it may deem necessary and proper; shall exercise generally all powers in the administration of the public school system therein, appoint such officers, agents and employes as it may deem necessary and proper and fix their compensation and term of office; shall have power to fix the time of its meetings to make, amend, and repeal rules and by-laws for its meetings and proceedings, for the government, regulation and management of the public schools and school property of such city, for the transaction of its business, and for the examination, qualification and employment of teachers, which rules and by-laws, when not inconsistent with the general law of the State, shall be binding on such board of education and all parties dealing with it until formally repealed by an affirmative vote of three members of said board; to provide for special and standing committees; to provide for the appointment of a medical inspector for the school and to take such other steps as may be proper and necessary to secure and maintain the physical welfare of the pupils therein; to certify to the general council or the board of commissioners the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and personal, deemed by it necessary for the purposes of public education, or for the investment of the public school funds, to build and construct improvements for such purposes, and to hold or sell the same.

§ 3. It shall also have power, when unable to contract with the owner of any real estate necessary to the proper accomplishment of the purpose for which said board is created, to institute condemnation proceedings in accordance with the law governing railroad corporations operated or incorporated

under the existing laws of this Commonwealth, under laws which may hereafter be enacted; and to have in such proceedings the same rights, powers, privileges and restrictions, as are now granted to or conferred upon such railroad corporations. Such board of education shall have all the powers of other school districts under the laws of this State, except as herein provided.

§ 4. No person shall be eligible to the office of member of the board of education who has not attained the age of twenty-four (24) years, and who is not a citizen of the United States, and who has not been such citizen for at least three years preceding his election, and a resident of the city for which he is elected, or who holds or discharges any office, deputyship or agency under the city or county of his residence; except that any member of said board, or any existing board, shall be eligible for re-election; no person shall be eligible to this office who at the time of his election is directly or indirectly interested in the sale to the board of books, stationery or other property. If, at any time, after the election of any member of said board, he shall become interested in any such contract with or claim against said board, or if he shall, after election, become a candidate for any office or agency or for the nomination thereto, the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he shall move his residence from the city for which he was chosen, or if he shall do or incur anything which would have rendered him ineligible for election, his office shall without further action be vacant, and it shall be filled as herein directed. Provided, That no member of said board shall vote regarding the appointment or employment in any capacity of any person related to said member as father, mother, brother, sister, husband, wife, son or daughter, nephew or niece, and if any of his relatives above specified be employed by the board, his office shall without further action be vacant and it shall be filled as herein directed, nor shall any member of

said board hold any office or position of emolument under the appointment of said board.

§ 5. Every member of said board shall, before assuming the duties of his office, qualify by taking the following oath, which shall be kept on record in such board:

State of Kentucky,
County of.....,
....., being duly sworn, says that he is eligible under the law to serve as a member of the Board of Education, and that he will not, while serving as a member of such board, become interested directly or indirectly in any contract with or claim against said board, and that he will not be influenced during his term of office by any consideration except that of merit or fitness in the appointment of officers or engagement of employes, and that he will support the Constitution of the United States and of this State and faithfully perform the duties of his office.

.....

Sworn to and subscribed before me this.....day of .....

.....

§ 6. No compensation shall be paid to the members of the board except as herein provided, but they shall be exempt from jury duty and from service as election officers during their term of office.

The members of said board of education shall be elected from the city at large for the term of four years, except as specified in sections 7 and 8 of this act, by the legal voters of such city. They shall be elected from the city at large without reference to wards or other territorial subdivisions, and such election shall be held under the provisions of the general laws governing city elections, so far as they are not inconsistent with the provisions of this act.

§ 7. All elections for members of the board of education shall be by secret ballot. Said ballot shall be on a separate sheet from all other ballots to be used in any election. It shall be the duty of the county clerk of any county, in which a city of the fourth class is situated, to cause to be printed on said ballot the names of all candidates for membership on said board of education, in whose behalf he shall be petitioned so to do in writing, by not less than fifty legal voters of such city. The petitions must be filed in the office of the county clerk not more than sixty and not les than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled.

Said ballot shall be in the form prescribed for ballots by the general election law of the State, except that no party emblem or other emblem of distinguishing mark shall be placed upon said ballot, save the words "School Ticket" at the head thereof; and that the names of all candidates for membership in the board of education shall be printed on said ballot in a single column. The names shall be printed on the first fifty ballots as arranged in alphabetical list. On each of the succeeding fifty ballots the names shall be printed in the same order, save that the last named on the preceding fifty ballots shall be shifted to the first place; and so on thereafter throughout, a like change being made in the printed order of names for every fifty ballots, and such ballots shall be so bound that in the book of ballots for each voting precinct each candidate's name will appear first on approximately the same number of ballots as that of every other candidate. As many additional lines shall be left blank as there are members to be elected.

The provisions of the general election law of the State of Kentucky as to the duties of county clerks and other public

officers in the matter of printing and distributing ballots, of issuing them to voters, of receiving and depositing them in the ballot boxes and of counting and preserving them, and in other particulars except as otherwise provided herein, shall be applicable in all respects to the election of members of the board of education. Provided, That it shall be the duty of the sheriff of each county in which a city of the fourth class is situated, to provide for each precinct in said city a separate box for the reception of the ballots used in the election of members of the board of education.

And provided, further, That it shall be the duty of the judge of the opposite political faith to the clerk of election in each precinct to issue the school ballots in the same manner as other ballots are issued by the clerk of election, by writing the name and residence of the voter upon the primary stub, and his registered number upon the secondary stub of the school ballot, and by observing as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for election generally. It shall be unlawful for an election officer or other person within the election booth to tell or indicate by word of mouth or otherwise to a voter what may be the political affiliations of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars. And provided, further, that upon the filing with the county judge of the county wherein a city of the fourth class is situated of a petition signed by a number of legal voters equal to twenty per cent. or more of the total number of votes cast in said city at the last preceding election at which presidential electors were voted for requesting that the election of members of the board of education in said city be held on a day other than the day for holding the general election therein, said county judge shall make an order designating some day for the election of members of the board of education in said city, which day shall be not less than fifty nor more than eighty days after the date whereon

said order shall have been entered. Whenever such order shall have been entered by said court, the day so designated by him shall thereafter continue, unless changed by order of court as herein provided, to be the day for the holding of elections for members of the board of education, and all the provisions of this act and the general law regulating elections in this Commonwealth, when not otherwise inconsistent, shall apply to and govern said elections, except that it shall be the duty of the clerk of said election to issue said ballots in said separate elections in the same manner as other ballots are issued by him in general elections. The order of the county judge fixing the day whereon said separate election shall be held shall be entered within fifteen days after the filing of said petitions. The expense of holding said separate election, if ordered, as aforesaid, shall be paid for by the city out of its general funds.

§ 8. Each voter may vote for as many of said candidates as there are members to be elected, by making a cross in the square opposite the name of each candidate for whom he wishes to vote. The candidates, equal in number to the number of members to be chosen, who have the highest number of votes, shall be declared elected.

§ 9. At the election occurring in the month of November, 1917, five members of the board of education shall be elected as herein provided. After having qualified by taking the oath prescribed by law, they shall resume office on the first Monday in January, 1918, and shall meet at the office of the board of education in said city on said day, and shall proceed to organize by electing one of their number president and another vice president. Within one week after the organization of said board it shall meet to divide its members by lot in such manner as they shall determine, into two classes, as follows: The first class consisting of two members, shall hold office through the 31st December, 1919; the second class, consisting of three

members, shall hold office through the 31st day of December, 1921. At the election every two years thereafter an election shall be held to fill the terms of the members of the board of education whose terms will expire on December 31st following and the members so chosen shall hold office for four years, or until their successors are elected and qualified. At its first regular meeting after the 1st of January in each year following said regular elections, said board of education shall organize by electing on of its members president and another vice president. The board shall hold meetings regularly at least once a month, and shall keep a correct record of its proceedings in a book provided for that purpose, which shall be a public record open to inspection of any officer or citizen of the city.

§ 10. Any member failing to attend the meeting of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his seat.

§ 11. Any vacancy in said board, from whatever cause occurring, shall be filled by the other members of the board as soon as practicable after such vacancy occurs. The members so chosen shall hold office for the remaining part of the term of his predecessor, and until his successor is elected and qualified, subject to the provisions of section 152 of the Constitution of Kentucky.

§ 12. When members of the board of education shall have been elected, shall have qualified, and shall have organized as hereinbefore provided, thereupon it shall become the duty of any then existing corporations, or board of education, or officers of the school district of such city to surrender their offices, and to deliver to said board of education, or to its officers, agents or employes, all the public school property, both real and personal, of every kind whatsoever, and the control and management of the public school affairs of such city. Pro-

vided, That until such board of education shall be organized, the administration of the public schools and the management of school property in such city shall remain in the control of any such existing corporations, board of education or officers of the school district, in the same manner and with the same power as existed prior to the passage of this act; and the board of education elected under this act shall continue, subject to removal for cause, the employment and service of any existing officers, teachers, agents, or other employes, in their several capacities in connection with the administration of school affairs, until the close of the term for which they have been elected; and the said board of education may thereafter retain without examination, or remove any agents, teachers, janitors, engineers, or other employes then rendering service in connection with the public schools of said city for cause to be stated in writing.

All rules and by-laws made by any existing corporation, board of education or officers of the school district, at such time vested in such city with the management of the public schools, shall continue in force, so far as consistent with this act, until repealed or altered by such board of education.

§ 13. It shall be the duty of said board of education, within sixty days after its organization, to adopt rules and by-laws for its meetings and proceedings, and for the government, regulation and management of the school and school property, and for the examination, qualification and employment of teachers. And such rules or by-laws may be changed, altered or set aside, only upon an affirmative vote of four (4) members of the board.

§ 14. The board of education shall appoint a superintendent of schools, whose term of office shall begin on July 1st following his appointment, and who shall serve for a term of one year, but whenever a superintendent shall have served

one year after the appointment which is to be made under this law, and shall be reappointed to succeed himself, his reappointment shall be for a term of either two years or four years, as shall be determined by the board of education. He may be removed by three members of the board for cause, and the vacancy thus created shall be filled by the board only until the 1st day of July following, when the temporary incumbent or some other person shall be appointed for a first term of one year, as hereinbefore provided. The board of education may, on the nomination of the superintendent of schools, appoint as many assistant superintendents as it may deem necessary, whose compensation shall be fixed by the board and who may be removed for cause by the superintendent with the approval of three members of the board.

The superintendent of schools shall qualify by taking the oath prescribed by law, and shall have general supervision, subject to the control of the board, of the course of instruction, discipline and conduct of the schools, text books and studies; and all appointments, promotions, dismissals and transfers of teachers and truant officers, and introduction, and changes of text books and apparatus shall be made only upon the recommendation of the superintendent, and the approval of the board. The superintendent shall have power to suspend any teacher, pupil or truant officer for cause deemed by him sufficient, and the board of education shall take such action upon the restoration or removal of such person as it may deem proper. All appointments and promotions of teachers shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointment by examination, and in cases of promotion by length and character of service. The board of education shall appoint three examiners, whose duties it shall be to examine and certificate all teachers employed by said board. Said examiners may recognize State diplomas, State certificates, or State University and Normal School certificates, which are valid under the general school laws.

The superintendent of schools shall devote himself exclusively to the duties of his office, and shall have power to appoint clerks, whose number and salary shall be fixed by the board, and shall have power to remove the same; shall exercise general supervision over the schools of the city, examine their conditions and progress, and shall keep himself informed of the progress of education in other cities. He shall advise himself of the need of extension of the school system of the city, shall make report from time to time, as may be fixed by the rules or directed by the board, and shall be responsible to the board for the conditions of the instruction and discipline of the school. The term "teacher," as used therein, shall include supervisors, supervising principals and principals.

§ 15. The board of education may appoint a secretary, who may or may not be a member of the board, and fix his salary at a sum not exceeding one hundred dollars ($100.00) per year. He shall keep the records of the board of education, and perform such other duties as may be imposed upon him by said board. The orders of the board shall be valid when countersigned by the president and secretary of said board. Said secretary shall have charge of the collections and payments of the funds of the school to the bank or trust company selected as the treasurer of the board, and the disbursements of all revenues and moneys belonging to the board. All checks issued by said board shall be given in the name of the board of education and signed by the president and secretary. The board shall require the secretary to give bond for the faithful performance of his duties. He shall deposit the funds of the board daily in the designated depository, and shall furnish at the beginning of each month a statement of the receipts and disbursements of the preceding month; at the end of the fiscal year he shall make to the board a full and comprehensive report of its financial affairs for the preceding year. He shall be the custodian of all securities, documents,

title papers, books of record and other papers belonging to the board, under such conditions as the board may direct.

§ 16. The board of education shall, in the month of June of each year, advertise for bids from the banks and trust companies in the county in which such city is located, to act as treasurer and receive the current deposits of such board, to be secured by bond with surety to be approved by the board in an amount to be fixed by the board. Said bids shall specify the rate of interest to be allowed to said board on such deposits, the terms on which such deposits will be received, and the nature of the security offered; and said deposits shall be annually awarded to the bank or trust company that offers with the required security the highest rate of interest and the best terms therefor; the board shall cause contracts for the ensuing year to be made with such bank or trust company so receiving the award of such deposits. All moneys due the board from any source whatever shall be paid to the secretary, who shall thereupon cause all funds received to be paid into said designated depository. The fiscal year of the board shall end on the 30th day of June of each year, and the annual contract shall be made in the month of June of each year for the deposits of the succeeding fiscal year.

§ 17. The funds of the board deposited in the bank or trust company shall be withdrawn only on the order of the board, evidenced by its check, countersigned by the president and secretary.

§ 18. It shall be the duty of such board of education at the beginning of each fiscal year, to apportion the revenue available for that year to the different departments, for expenditures in support of the schools for that year, and no report or resolution shall be adopted by the board calling for the expenditure of money unless it states specifically the fund from which the appropriation is to be made, and is ac-

companied by the certificate of the secretary that there is a balance in such fund available for such expenditure.

§ 19 The board of education shall have the power to borrow money on the credit of the board in anticipation of the revenue from school taxes for the fiscal half year in which the same is borrowed, and pledge said school taxes for the payment of the principal and interest of said loan: Provided, That the interest paid shall in no case exceed six per centum per annum and the principal shall in no case exceed fifty per cent. of the anticipated revenue for the fiscal half year in which the same is borrowed.

Said board of education shall also have authority to employ an architect when necesary, and to fix his compensation. The board of education shall also have power to appoint such other engineers, janitors and other employes and agents as may be necessary for the proper conduct of the schools.

§ 20. The contract for the erection of school buildings, and additions thereto, shall be made by said board of education after public letting to the lowest and best responsible bidder complying with the terms of the letting, but it may reject all bids. The necessary specifications and drawings shall be prepared for all such work, and bids therefor shall be solicited by such advertisement as the board of education may provide. All work of repairs, alterations and construction other than such original erections and additions, shall be ordered by the board of education. Bids may be solicited for said work when desired. The board shall also have the right to purchase all supplies, and may ask for bids when the amount of the purchase exceeds fifty dollars.

§ 21. Said board of education shall, within thirty days prior to the time prescribed for the levy to be made in the charter of cities of the fourth class, approximately ascertain

the amount of money necessary to be used to defray the expenses of maintaining the schools, and conducting the business entrusted to the board during the current fiscal year, and report the same to the general council or board of commissioners with the request that a tax for schools sufficient to realize for said board the amount aforesaid shall be levied on each one hundred dollars' ($100.00) worth of property assessed for taxation for city purposes, and that said tax shall be included in the annual levy for said year. The said general council or board of commissioners shall make the necessary levy and collect a tax sufficient to realize the amount so certified and requested by the board of education to defray the general expenses of maintaining the public school. Provided, That the tax levy for any one year shall not exceed fifty cents on each one hundred dollars' ($100.00) worth of taxable property in the city as returned by the board of equalization. If, in any year, the amount so certified and requested, shall necessitate a tax rate, as based upon the total assessment of taxable property for said year, greater than fifty cents for maintenance purposes, the general council or board of commissioners may fix the levy for schools at fifty cents and disregard the excess; Provided, however, that the limitation hereinbefore prescribed of the tax that may be levied for school purposes shall not apply where a bonded indebtedness has been incurred for the construction, improvement or acquisition of schol buildings or property; and when such an indebtedness has been incurred, there may be levied in addition to the tax hereinbefore authorized an annual ad valorem tax sufficient to pay the interest on such indebtedness, and also to constitute a sinking fund for the payment of the principal thereof; the provisions hereof shall apply to any bonded indebtedness whether heretofore or hereafter created. If, in any year, the board shall fail to make the certificate and request as aforesaid, the general council or board of commissioners shall make a levy for schools that shall be the same as it was the year before.

Said tax shall be paid to the board or authorized agent of same by the treasurer of the city in regular monthly installments, the first payment to be made within one month after the collection of said amount shall have been commenced, and the other payments to be made monthly thereafter as collected.

§ 22. Whenever the board of education shall deem it necessary for the proper accommodation of the schools of such city to purchase a site or sites, to erect school houses for the high schools, or for the other schools, or for any or all these purposes, and the annual funds raised from other sources are not sufficient to accomplish said purpose or purposes and a bond issue is necessary, said board is hereby authorized and empowered to order an election and submit to the voters of their city the question whether or not, the board of education thereof, shall issue bonds in any amount not exceeding ($100,000.00) one hundred thousand dollars, subject to the limitation provided by Section (157) one hundred and fifty-seven and (158) one hundred and fifty-eight of the present Constitution of this State, for the purpose of providing suitable grounds, school buildings, furniture and apparatus; Provided, that due notice of said election shall be made by written or printed posters not less than one foot square, signed by the president and secretary of said board, stating the time, place and hours of said election, posted at no less than six public conspicuous places in the city at least ten days previous to the day of election, and by one insertion thereof in a local newspaper, if any published in said city. The board shall appoint a judge, a sheriff, and a clerk to hold said election in each precinct in the city, who shall be duly sworn before acting, and shall be qualified electors and residents of the city for which they are appointed. On the day set apart for the election, the officers so appointed shall open a poll in each precinct of said city and shall ask of each voter duly qualified: "Are you in favor of the issue of bonds to the amount of $....., for the purpose of providing suitable

grounds, school buildings, furniture and apparatus for said city?" and the clerk shall record the answer "yes" or "no." If two-thirds of the voters voting at said election vote in favor of the issue of the bonds, they shall, when so issued, be placed under the control of the board of education, who shall determine when and at what price and how they shall be sold; Provided, that no such bonds shall be sold for less than par; nor shall they bear greater interest than six per cent. per annum. As the bonds are sold their proceeds shall be placed to the credit of the board in the same depository which is selected for its other funds, but shall be kept in a separate account and shall be used only for the purpose for which these bonds were issued. The bonds so issued shall be designated "School Improvement Bonds," and the order shall provide the date and maturity of such bonds, the rate of interest they shall bear, and the total amount to be issued; and the order shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, the coupons to be annexed, the tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity.

It shall be the duty of the general council or the board of commissioners, in addition to the levy made for the maintenance of the schools as hereinbefore provided, to levy annually in its city tax levy a rate that will raise a sum that will be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. The said bonds, principal and interest, shall be a charge upon the sinking fund of said city, and it shall be entitled to have the annual tax that shall be levied as aforesaid.

Whenever the boundary of the school district does not coincide with the boundary of the city, and it is necessary to take a vote on a bond issue, it shall be the duty of the county judge of the county in which such city is located to call an election for such bond issue on the day set apart for said elec-

tion in the city. In this event it shall be the duty of the county judge to perform all the duties imposed upon the board of education as set out in this section. It shall also be the duty of the fiscal court of the county in which such school district is located to make the necessary levy on the property in such district outside of the boundary of the city, in order to liquidate the bonded indebtedness. The same rate of taxation for the purpose of liquidating said bonded indebtedness shall apply in the city and in the territory in such school district beyond the city.

§ 23. For the maintenance of the schools there shall be appropriated the sum or sums which may be received from year to year as the school fund of this Commonwealth.

§ 24. So much property in the school district as from any cause shall escheat to the Commonwealth of Kentucky, shall vest in the board for the use and benefit of the public schools and said district. Said board may, in the name of the Commonwealth, for the use and benefit of the said schools by its president or other officer to be designated by it, enter upon and take possession of said property, or sue for and recover the same by action at law or in equity, and without office found. The board may sell and convey any of such property by warranty deed or otherwise. The board shall also have authority to accept for the use and benefit of the schools any gift or devise which may be made to said schools.

§ 25. All officers of any city of the fourth class, and of the State, concerned with the assessment and collection of taxes, fines and penalties, shall perform such duties in relation to the levying and collection of school taxes and the collection of such fines and penalties, and the payment thereof to said board for school purposes, as are now imposed by the existing laws upon such officers in relation to the levy and collection of school taxes and the collection of fines and penalties payable

to the schools funds; and nothing in this act, unless inconsistent therewith, shall be construed as repealing any existing law providing for the assessment and collection of school taxes in such city; and all powers and duties conferred by existing laws upon any board in relation thereto shall be continued in the board created by this act.

§ 26. The board of education shall have power to establish and maintain kindergartens for children from four to six years of age, high schools, night schools for all residents of the city, and normal training classes for the purpose of training teachers to fill positions in the schools of the city, and to this end it may prescribe rules and regulations for the government of such schools and employ the principals and other teachers necessary for their efficient management.

§ 27. The board of education shall provide, maintain and support separate schools, or provide for the education of all colored children who are bona fide residents of said school district and entitled to free tuition in the common schools. Said colored schools or children shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions, as the schools herein provided for white children.

§ 28. The board shall have the power to admit to any school pupils from beyond the limits of the school district and shall collect for these pupils tuition fees for the benefit of the school fund of the school district. Children or persons residing outside of the limits of the school district shall not be admitted as pupils into any of the public schools, except upon payment of such tuition as the board may require as aforesaid.

§ 29. A city of the fourth class being deemed one district for taxation purposes, and entitled to its proportion of the

public school fund of the Commonwealth, the board of education of such city shall make detailed reports annually, and special reports as required, to the State Superintendent of Public Instruction. The board shall also cause a census of the children of school age to be taken during the month of April and the returns made according to the general school law.

§ 30. The board of education shall, at the end of each scholastic year, prepare and publish for the information of the public, a report which shall include the annual reports made to the board by the superintendent, and secretary, together with such other information as may be proper and necessary to an understanding of the general condition and educational progress of the schools during the preceding year.

§ 31. Any member, officer or employe of such board who shall willfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than five hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the jury.

§ 32. All testimony taken upon any investigation made by the board, or in any proceedings before the board for the removal of any officer or employe of the board, or in any investigation made by any committee of the board, shall be under oath, which oath may be administered by the secretary or any officer authorized to administer oaths.

§ 33. Said board, or any duly constituted committee thereof, shall have the power in any investigation or proceedings before it concerning a matter which may be a proper subject of inquiry by it, to summon witnesses by subpoena and to enforce the compulsory attendance of said witnesses. Should any person so summoned refuse to attend or to produce a paper

to be used as evidence in said investigation, or proceeding, or, being present, refuse to testify concerning any matter which may be a proper subject of inquiry, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than ten and not more than fifty dollars.

§ 34. All cities of the fourth class in the Commonwealth of Kentucky shall be subject to the provisions of this law, except where any city maintains a system of schools under any special charter or special act of the General Assembly, and levies a tax greater than that provided in this law, shall be exempt and may continue to operate its schools under such special charter or general act.

§ 35. Whenever it becomes desirable for a city of the fourth class to extend the boundary for school purposes beyond the city limits, the qualified voters in such territory shall prepare a petition in duplicate setting forth the names of all parties to be changed, and defining the proposed change in the boundary of the said school district. Said petition shall be signed by a majority of the voters in said territory, and a copy shall be filed with the board of education of such city, and also with the county board of education of the county in which such city is located. Upon the approval of said petition by the board of education of such city and by the county board of education of such county, each board shall make an order on its record book providing for the change, and the change shall become effective at once.

If at any time the boundary of a school district extends beyond the boundary of said city, the board of education shall file a copy of the estimate of the amount of money necessary to conduct the schools with the fiscal court of the county in which said city is located, and shall estimate the amount of money which may be received from the city and from the territory beyond the limits of said city which is included in the

school district, and the fiscal court of said county shall make a levy to cover its proportional part of said taxes on the property in said school district which is located outside of the city limits. The rate of taxation by the general council or board of commissioners and by the fiscal court in such school district shall be the same in all cases.

§ 36. The general school laws of this State and all laws and parts of laws applicable to the general system of public schools in a city of the fourth class not inconsistent herewith, shall be in full force and effect in such city.

Mr. Hutchcraft offered the following amendment to said bill, viz.:

Amend House Bill No. 203 by adding thereto at the end thereof Section 36, which shall be as follows:

"Sec. 36. This act shall be in full force and effect from and after its passage, and approval by the Governor, as provided by law, and shall be in full force and effect in any city of the fourth class upon its acceptance and approval by a majority of the qualified voters of such city, as expressed at a special election which shall be called and held in the same manner as is provided by Section 22 of this act. The question propounded to each qualified voter at said election shall be as follows: 'Are you in favor of adopting the commission form of government for the school of ....., Kentucky?' and the clerk shall record the answer 'yes' or 'no.' "

Said amendment was agreed to.

Mr. Roach offered the following amendment to said bill, viz.:

Amend Section 13, line 6, by striking out the figure "four" and inserting in lieu thereof the figure "three."

Said amendment was agreed to.

Mr. Roach offered the following amendment to said bill, viz.:

Amend Section 14 by beginning in line 30, after the word "service," and striking out the rest of line 30, line 31, 32, 33, 34 and the word "laws" in line thirty-five.

Said amendment was agreed to.

Mr. Roach offered the following amendment to said bill, viz.:

Amend Section 4, line 22, by changing the comma after the word "niece" to a period, and striking out the rest of the section.

Said amendment was agreed to.

The Committee on Cities of the Fourth Class offered the following amendment to said bill, viz.:

Amendments to House Bill 203:

Strike out the first five lines of Section 1.

Strike out the word "entered" in line 62, on page 8, of the printed bill, and substitute the word "filed."

Strike out the words "a judge" in line 20 of page 16 of the printed bill, and substitute the words "two judges."

Strike out the word "said" in line 27, on page 17, and substitute the word "this."

Strike out the first eight lines and the first two words of line 9, in Section 24.

Insert the words "each year" after the words "month of April," in Section 29.

Strike out all of Section 34.

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

G. G. Brashear	W. E. Dowling	J. M. Howell
Frank J. Brown	William Duffy	R.B.Hutchcraft,Jr.
W. H. Brown	J. R. Durham	R. B. Jackson
E. Bullock	L. L. Embrey	T. R. Jones
Henry A. Cannon	T. T. Gardner	W. H. Jones
Glover H. Cary	Wm. Gearheart	H. Clay Kauffman
A. S. Cooper	W. G. Gooch	Wm. J. Kuh
S. B. Coleman	Frank C. Greene	M. E. Lee
W. P. Cropper	C. H. Grimes	Dr. J. E. Lilly
James S. Cruse	J. S. Hall	W. R. Lyon
H. C. Cummins	L. B. Hamilton	Dr. C. W. Mathers
S. C. Dobbs	W. B. Harvey	Jacob Metzger
Jas. R. Dorman	W. C. G. Hobbs	Claude D. Minor
Thomas A. Dover	David J. Howard	S. Montgomery

G. B. Moores	John T. Roach	J. Wood Vance
B. F. McAtee	Joe Schneider	J. W. Wall
W. J. McMurray	L. M. Smith	John S. Webb
C. B. Nichols	E. D. Smith	W. M. Webb
S. Mazyck O'Brien	Claude B. Smith	J. D. Wills
A. B. Pieratt	Adam Spahn	M. O. Wilson
W. A. Price	Ed. D. Stone	Louis E. Yewell
J. D. Pumphrey	R. C. Tartar	E. G. Young
Harry P. Purnell	Robt. R. Treadway	
D. S. Richardson	D. B. Tyra	—70

There voted in the negative—

H. F. S. Bailey —1

The Committee on Cities of the Fourth Class offered the following amendment to said bill, viz.:

Amend the title so that it will read as follows:

"An act providing for a commission form of government for schools in cities of the fourth class, to become effective in such cities upon its acceptance by the governing authorities of such cities and the schools therein, and providing method of adoption."

Said amendment was agreed to.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called from the Committee on Municipalities, the Committee on Revenue and Taxation, the Committee on Rules, the Committee on Ap-

propriations, the Committee on Municipalities and the Committee on Cities of the Fifth and Sixth Class, bills of the following numbers, viz.: S. B. 158, S. B. 119, S. B. 314, S. B. 217, S. B. 248, and S. B. 359, which bills were reported by the chairmen of the respective committees as follows:

By Mr. Hobbs, of the Committee on Municipalities:

S. B. 158. An act to require street car companies and others operating street cars upon the streets of any city of the first class in the Commonwealth, to furnish separate cars or divisions of cars, or other suitable provisions for the separation of white and colored passengers, and providing punishment for violations hereof.

By Mr. T. R. Jones, of the Committee on Revenue and Taxation:

S. B. 119. An act relating to and regulating the sanitary conditions of foods; to provide for inspection, and creating penalties for the violation thereof.

By Mr. Pumphrey, of the Committee on Rules:

S. B. 314. An act to amend an act entitled, "An act to amend Section 4645a of the Kentucky Statutes (Carroll's Edition 1909), increasing the salary of the stenographer to the Governor.

By Mr. Minor, of the Committee on Appropriations:

S. B. 217. An act authorizing the Commonwealth of Kentucky to pay the indebtedness created against the property of the Western Normal School by the provisions of Section 4535c, Kentucky Statutes, and authorizing the Board of Regents of said school to pay a part of said indebtedness out

of the annual appropriation made for the support of said school, and appropriating money for said purpose.

By Mr. Hobbs, of the Committee on Municipalities:

S. B. 248. An act to amend and re-enact Section 1486, Carroll's Edition of the Kentucky Statutes of 1915, entitled, "Registration in certain cities and towns."

By Mr. J. W. Snider, of the Committee on Cities of the Fifth and Sixth Class:

S. B. 359. An act repealing the charter of Fairview, incorporated under act February 6, 1846.

Said bills were severally read the first time at length and ordered to be placed in the calendar.

By the unanimous consent of the House the Hon. John Farrer and the Hon. S. M. Carson, ex-members of this House, were granted the privileges of the floor.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 92. An act to amend the Kentucky Statutes, Article 10, Section 4464, relating to graded common schools, being the same as Chapter 12, Section 155, of the Common School Laws of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4464 of Article 10 of the Kentucky Statutes, being the same as Section 155 of Chapter 12 of the Common

School Laws of Kentucky be, and the same is hereby amended as follows:

1. That the last paragraph of said section beginning with the words "all graded common schools" and ending with the words "State Board of Education" be repealed and the following be substituted therefor:

All graded common schools which have been previously established under the general, or under any special law of the State, or any such school that may hereafter be established shall operate and maintain a high school of equal rank to that required by law to be maintained by the County Board of Education, or pay the tuition of all pupils residing in the graded school district who are eligible to enter the high school, the county high school or other public high school which maintains a course of study required by law and which has been approved by the State Board of Education.

Any graded common school may cease to operate under the provisions of the Graded Common School Law and become a part of the county or city school system in which it may be located by a majority vote of the legal voters of the graded school district; the vote when taken to be in the same manner and governed by the same laws as when the said graded school was established.

Mr. T. R. Jones offered the following amendment to said bill, viz.:

Amend House Bill No. 92 as printed as follows:

In line 3, after the word "amended" and before the word "as," insert the words "and re-enacted so," and after the word "as" and before the words "as follows," insert the words "to read." Further amend by striking out all of lines

from 4 to 22, inclusive, and inserting in lieu thereof the following:

It shall be the duty of the county judge in each county of this Commonwealth, upon a written petition signed by at least twenty-five per cent. of legal voters who are tax-payers in the justices' district, town or city of the fifth or sixth class in his county to make an order on his order book, at the next regular term of his court after he receives said petition, fixing the boundary of any proposed graded common school district, as agreed on by the county judge and the petitioners, and directing the sheriff or other officers, whose duty it may be to hold the election, to open a poll in said proposed graded common school district, at the next regular State, town or city election to be held therein, or on any other day fixed by said judge in said order, not in either case earlier than forty days from the date of said order, for the purpose of taking the sense of the legal white voters in said proposed graded common school district upon the proposition whether or not they will vote an annual tax, in any sum named in said order, not exceeding fifty cents on each one hundred dollars of property assessed in said proposed graded common school district, town or city belonging to said white voters or corporations, or a poll tax in any sum named in said order not exceeding one dollar and fifty cents per capita on each white male inhabitant over twenty-one years of age residing in said proposed graded common school district, or both an *ad valorem* and a poll tax, if so stated in the order, for the purpose of maintaining a graded common school in said proposed graded common school district, and for erecting, purchasing or repairing suitable buildings therefor if necessary.

Provided, That the proposition to establish any graded common school district, as provided for in this section, is approved in writing, on the petition to the county judge by the County Board of Education, and also by the county

superintendent of common schools; that no point on the boundary of any proposed graded common school district be more than two and one-half miles from the site of the school building and that the location and site of said school building in said district are set out with exactness in said petition, and that the district contains not less than one hundred pupil children.

If at any time it becomes desirable to either extend or decrease the boundary of a graded common school a majority of the legal voters in the territory which is proposed to be changed may file a written petition in duplicate, one copy with the board of trustees of the graded common school and one copy with the County Board of Education. Said petition shall set out with exactness the names of all persons within the territory to be changed and shall show the change in the boundary of the district as proposed by the change. If the petition shall be approved by the board of trustees of the graded common school and the County Board of Education, an order shall be so made on the records of each board and the change shall be effective at once.

All graded common schools which have been previously established under the general, or under any special law of the State, or any such school that may hereafter be established shall operate and maintain a high school of equal rank to that required by law to be maintained by the County Board of Education, or pay the tuition of all pupils residing in the graded school district who are eligible to enter the high school, the county high school or other public high school which maintains a course of study required by law and which has been approved by the State Board of Education.

Any graded common school may cease to operate under the provisions of the graded common school law and become a part of the county or city school system in which

it may be located by a majority vote of the legal voters of the graded school district; the vote when taken to be in the same manner and governed by the same laws as when the graded school was established.

Said amendment was agreed to.

Mr. McMurray offered the following amendment to the amendment proposed by Mr. T. R. Jones, viz.:

Amend the amendment offered by T. R. Jones, by striking out the word "to" after the word "eligible" and before the word "enter" on page 3, line 6, of said amendment and substituting the word "and" therefor.

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Henry A. Cannon	R. T. Crowe
H. F. S. Bailey	Glover H. Cary	James S. Cruse
C. H. Bays	R. A. Cook	H. C. Cummins
G. G. Brashear	A. S. Cooper	S. C. Dobbs
Frank J. Brown	S. B. Coleman	Jas. R. Dorman
W. H. Brown	W. P. Cropper	Thomas A. Dover

W. E. Dowling	W. H. Jones	Richard Radcliffe
Odie Duncan	H. Clay Kauffman	D. S. Richardson
J. R. Durham	Wm. J. Kuh	John T. Roach
J. M. Elliston	W. T. Lasley	Joe Schneider
L. L. Embrey	Dr. J. E. Lilly	L. M. Smith
T. T. Gardner	W. R. Lyon	E. D. Smith
Wm. Gearheart	Dr. C. W. Mathers	Claude B. Smith
W. G. Gooch	Jacob Metzger	John W. Snider
Frank C. Greene	Claude D. Minor	Adam Spahn
C. H. Grimes	G. B. Moores	Thomas Spurrier
J. S. Hall	John T. Murphy	Ed. D. Stone
L. B. Hamilton	B. F. McAtee	R. C. Tartar
W. B. Harvey	E. B. McGlone	J. H. Thompson
W. C. G. Hobbs	W. J. McMurray	Robt. R. Treadway
A. B. Holland	C. B. Nichols	D. B. Tyra
David J. Howard	S. Mazyck O'Brien	J. W. Wall
J. M. Howell	William A. Perry	John S. Webb
Chas. L. Hunter	Geo. L. Pickett	W. M. Webb
R.B.Hutchcraft,Jr.	A. B. Pieratt	Frank M. White
R. B. Jackson	W. A. Price	J. D. Wills
J. M. Johnson	J. D. Pumphrey	Louis E. Yewell
T. R. Jones	Harry P. Purnell	E. G. Young

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Resolved that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 185. An act designating the twelfth day of February of each year a legal holiday, to be known as "Lincoln Day."

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the twelfth day of February of the year 1917, and the twelfth day of February of each year thereafter, is hereby declared a legal holiday, to be known as "Lincoln Day," and the same shall be recognized, classed and treated as other legal holidays under the laws of this Commonwealth.

Mr. Pumphrey moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Mr. W. M. Webb moved that the session be extended until the matter under consideration is disposed of.

Said motion was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Chas. D. Bratcher	W. H. Brown
Geo. B. Barrett	G. G. Brashear	E. Bullock
C. H. Bays	Frank J. Brown	Henry A. Cannon

Glover H. Cary	J. M. Howell	D. S. Richardson
R. A. Cook	Chas. L. Hunter	John T. Roach
A. S. Cooper	R.B.Hutchcraft,Jr.	Lewis Ryans
S. B. Coleman	R. B. Jackson	Joe Schneider
W. P. Cropper	J. M. Johnson	E. D. Smith
R. T. Crowe	T. R. Jones	Claude B. Smith
James S. Cruse	W. H. Jones	John W. Snider
H. C. Cummins	H. Clay Kauffman	Adam Spahn
S. C. Dobbs	Wm. J. Kuh	Thomas Spurrier
Thomas A. Dover	Dr. J. E. Lilly	Ed. D. Stone
W. E. Dowling	W. R. Lyon	Bannie Tabor
William Duffy	Jacob Metzger	R. C. Tartar
Odie Duncan	Claude D. Minor	J. H. Thompson
J. R. Durham	G. B. Moores	Robt. R. Treadway
J. M. Elliston	John T. Murphy	F. C. Trivette
L. L. Embrey	B. F. McAtee	D. B. Tyra
T. T. Gardner	E. B. McGlone	J. Wood Vance
Wm. Gearheart	W. J. McMurray	J. W. Wall
W. G. Gooch	L. T. Neat	John S. Webb
C. H. Grimes	A. J. Oliver	W. M. Webb
J. S. Hall	William A. Perry	Frank M. White
L. B. Hamilton	A. B. Pieratt	M. O. Wilson
W. B. Harvey	W. A. Price	Louis E. Yewell
W. C. G. Hobbs	J. D. Pumphrey	E. G. Young
A. B. Holland	Harry P. Purnell	
David J. Howard	Richard Radcliffe	—85

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Hutchcraft asked the unanimous consent of the House to offer an amendment to the title of House Bill 203.

His said request was objected to.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 11. An act to regulate the holding of the terms of the Circuit Court in the Thirty-fourth Judicial District.

To the Committee on Circuit Courts.

S. B. 211. An act to prohibit the running at large of any male stock of certain species.

To the Committee on Agriculture.

S. B. 294. An act to repeal and re-enact Sections 556, 769, 770 and 771, Kentucky Statutes, Edition 1915, relating to corporations.

To the Committee on Kentucky Statutes.

S. B. 300. An act to permit F. P. Edwards to sue the State of Kentucky.

To the Committee on Kentucky Statutes.

S. B. 354. An act to regulate the printing of reports in the Department of Agriculture, Labor and Statistics.

To the Committee on Agriculture.

S. B. 299. An act concerning loan and investment companies in cities of the first and second class, defining same and providing for the incorporation, powers, supervision and control of such companies.

To the Committee on Municipalities.

S. B. 310. An act creating and relating to the office of County Road Engineer in counties containing more than two hundred thousand population, and providing for his term of office, qualification, assistants and compensation, and repealing all laws in conflict herewith.

To the Committee on Municipalities.

S. B. 117. An act to amend and re-enact Section 1243 of Kentucky Statutes relating to offense of petit larcency.

To the Committee on Criminal Law.

S. B. 311. An act to amend Section 2156 of the Kentucky Statutes, under Chapter 67, entitled, "Idiots and Lunatics."

To the Committee on Rules.

And then the House adjourned.

AFTERNOON SESSION.

At 2:00 o'clock the House reconvened.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 229. An act amending Sections 4471, Chapter 113, Article X., Kentucky Statutes, Carroll's Edition, 1915, by adding the following words: "Provided, that if said remaining members of the board cannot elect another member or a tie vote between said members should occur, then in either event, it shall be the duty of the county judge to cast the deciding vote."

To the Committee on Kentucky Statutes.

S. B. 251. An act to amend Section 496 of Kentucky Statutes (Carroll's Edition), providing for the recording of deeds and mortgages and re-enacting same.

To the Committee on Revenue and Taxation.

S. B. 277. An act to regulate the sale, furnishing and use of wood alcohol or wood naphtha, providing for its labeling, and providing penalties for violation thereof.

To the Committee on Pure Food.

S. B. 255. An act to promote temperance in the State.

To the Committee on Education.

S. B. 346. An act providing for the formation and carrying on of co-operative associations and providing for the rights, powers, liabilities and duties of the same, and making it unlawful for anyone to use the title "co-operative" as part of its or his or their business name or title unless such person or corporation or company has complied with the provisions of this act.

To the Committee on Kentucky Statutes.

S. B. 244. An act to amend an act approved March 21, 1910, being Chapter 50 of the Acts of 1910, entitled, "An act to amend an act entitled an act for the government of cities of the second class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as Article

13, Chapter 89, of the Kentucky Statutes, John D. Carroll's Edition of 1915.

To the Committee on Kentucky Statutes.

S. B. 240. An act to require corporations, etc., to redeem script in lawful money.

To the Committee on Corporate Institutions.

A message was received from the Senate announcing that they had passed resolutions which originated in that body of the following titles, viz.:

S. Res. 28. Joint resolution providing for payment of assistant for Printing Commissioner.

To the Committee on Rules.

S. Res. 27. Resolution to pay for clerical and stenographic services rendered to the Department of Education since January 3, 1916, and appropriating money therefor.

Mr. Pumphrey, of the Committee on Rules, called from the Committee on Revenue and Taxation, the Committee on the Judiciary, the Committee on Kentucky Statutes, bills of the folowing numbers, viz.: S. B. 66, H. B. 549, S. B. 96, and S. B. 250, which bills were reported by the chairmen of the respective committees as follows:

By Mr. Perry, of the Committee on Revenue and Taxation:

S. B. 66. An act to change the date for the payment of State, county and district taxes.

H. B. 549. An act requiring the Librarian to furnish counties laws and reports of the Court of Appeals where such laws and reports have been destroyed by fire.

S. B. 96. An act to prohibit the buying or selling of patients by physicians or surgeons or other persons and defining what shall constitute the buying or selling of patients, and fixing the punishment for a violation of this act.

S. B. 250. An act to amend Section 538 of the Kentucky Statutes.

Said bills were severally read the first time at length and ordered to be placed in the calendar.

The House took up for consideration from the calendar bills of the following titles, viz.:

S. B. 130. An act for the benefit of the Kentucky Institute for the Education of the Blind, to provide for the education, training and employment of the blind of the Commonwealth.

S. B. 315. An act to divide the Commonwealth of Kentucky into thirty-eight Senatorial districts.

S. B. 257. An act to amend and re-enact Chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, entitled, "An act to provide for the organization, armament, equipment, discipline and government of the miltia."

S. B. 143. An act to prevent any person interfering with the work of convicts outside of the walls of the penitentiary, and prohibiting any person from giving or furnishing to any such convict opium, cocaine, intoxicating liquors, any narcotic of any kind whatever, firearms, weapons or explosives.

S. B. 345. An act relating to agricultural extension work and home economics; accepting the provisions of the act of Congress providing for co-operative agricultural extension work between agricultural colleges, which act was approved May 8, 1914; providing that such work shall be done under the directions of the Kentucky University, Lexington, Kentucky; changing the name of said university to University of Kentucky; amending and re-enacting Section 1 of Chapter 3, Acts of 1908; amending and re-enacting Section 15 Kentucky Statutes 1903; providing for the appointment of trustees of the University of Kentucky; creating an Extension Committee to have charge of extension work under the supervision of an Executive Committee for the University of Kentucky; providing for the election of an Executive Committee for the University of Kentucky; amending and re-enacting Section 13 of the Act of March 21, 1906, creating the State Board of Agriculture, Forestry and Immigration; repealing Section 2 of an act for the benefit of the Department of Agriculture, Labor and Statistics, approved March 11, 1912; appropriating money for the University of Kentucky; providing for the establishment of a marketing bureau; authorizing the Fiscal Courts of the counties and the Boards of Education of counties to appropriate money for extension work, and amending and re-enacting Section 5 of an act for the benefit of the Department of Agriculture, approved March 21, 1906.

S. B. 162. An act to regulate the admission of attorneys to practice law.

H. B. 139. An act to amend Section 3710, Kentucky Statutes, Carroll's Edition 1915, relating to judicial department of towns of the sixth class.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were

read the second time by their titles, and ordered to be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 241. An act repealing Sections 4217-4217a of Kentucky Statutes, and requiring permits for certain kinds of merchants; defining temporary and transient merchants and providing for licensing same, regulating the advertising, representations and business of such merchants and prescribing penalties for failure to comply with the provisions of this act.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Transient Merchants Defined.—Every person, firm or corporation, whether as principal or agent, who engages in or transacts a temporary or transient merchandise business in any building, structure, car, booth, tent or other place, within the limits of any city or town of this State or who while doing business in any such place, advertises, represents or holds out any goods, wares or merchandise as being sold as an insurance, bankrupt, railway wreck, insolvent assignee, trustee, executor, administrator, receiver, syndicate, wholesale manufacturers, or closing out sale, or as a sale of any goods, wares or merchandise damaged by smoke, fire, water or otherwise, shall be deemed and held for the purposes of this act, a temporary and transient merchant, unless such person, firm or corporation has previously, for a period of one (1) year immediately prior thereto, conducted in good faith a merchandise business therein, and provided any such person, firm or corporation intending to go into any such

business permanently, may be exempted from the other provisions of this act upon filing before the judge of the county court of the county in which such business is proposed to be transacted, an application under oath for a permit to start such business as a permanent merchant. Such applicant shall state in such application, that it is his purpose in good faith, to establish such business and to conduct it as a permanent business continuously for a period of not less than one (1) year, and that it is not the purpose of such applicant to, in any manner, evade the provisions of this act as to temporary merchants. Said application shall further set forth the nature of the business proposed to be transacted, the location of each place where said business is to be conducted, and same shall lay over for a period of not less than five (5) days before being acted upon, and at the expiration of said time, the county judge may hear such further proof as may be offered, touching the good faith of said applicant, and if the county judge be of the opinion, that the facts stated in the application are sustained by the proof, he shall issue a permit authorizing such applicant to conduct such business as a permanent merchant, but if he be of the opinion that the facts stated in the application are not sustained by the proof, such application shall be denied. Any person making a false statement in such application or upon the hearing thereof, shall be guilty of false swearing.

§ 2. License Required of Transient Merchant.—Hereafter, it shall be unlawful for any temporary or transient merchant, as defined in this act, to engage in, do or transact any business as such within any incorporated city or town in this State without first having obtained a license as herein provided.

§ 3. Application for License.—Any temporary or transient merchant desiring to engage in, do or transact business in any county in this State, shall file an application for li-

cense for that purpose with the judge of the county court in the county in which he desires to do business; such application stating his name, or the name of the firm, with the individual name of each member thereof, or the name of the corporation so proposing to conduct such business, together with the proposed place of business, kind of business proposed to be conducted and the length of time for which license is desired to conduct such business, and shall pay for such license to the clerk of the county court, the sum of two hundred fifty dollars ($250.00), which license shall authorize such person, firm or corporation to conduct such business for a period of one (1) year, but such license shall be good for only one person unless such person shall be a member of a co-partnership, nor for more than one place of business. The clerk of the county court in such county where the license is issued shall keep a record of the license in a book which shall at all times be open for public inspection. Before license shall be granted, such temporary or transient merchant shall file with the clerk of the county court an affidavit showing all the facts relating to the reasons for and character of such sale so to be advertised or represented, and showing that the goods, wares and merchandise of such sale are in fact in accordance with such advertisement and representations; such affidavit shall include a statement of the names of the persons from whom the goods, wares and merchandise so to be advertised or represented were obtained, date of the delivery of said goods to the applicant and the place from which said goods, wares or merchandise were last taken, and all details necessary to exactly locate and fully itemize all goods, wares and merchandise so to be advertised or represented. If such affidavit shall fail to show that such goods, wares or merchandise of such sale are in accordance with the proposed advertisement or representations or fails to disclose the facts herein required, or if it appears to the county judge upon proof heard that the affi-

davit is untrue in any particular, then such applicant shall be refused a license for such sale. Such affidavit shall be made by the person proposing to transact such business, or by each member or any firm or by the chief officer of any corporation proposing to establish such business. Any person making a false statement of fact in such affidavit shall be deemed guilty of false swearing and shall be punished therefor as provided for by the laws of the State of Kentucky.

§ 4. Bond and Appointing of Agent for Services of Legal Process.—Before a license shall be issued as herein provided, the applicant shall execute and deliver to the clerk of the county court, a good and sufficient bond in the sum of one thousand dollars ($1,000.00) with surety or sureties approved by the judge of said court, said bond running to the clerk of the county court and obligating such applicant and sureties to the effect that the applicant will at all times, during the period covered by such license, conduct such business in the manner therein authorized and for the protection of all persons, firms or corporations who may have claims against the obligor, arising out of such business, and any person, firm or corporation may sue thereon in his or its own name. At the time of delivering such bond to the clerk of the county court, the obligor shall also deliver to said clerk a duly executed instrument appointing the clerk of the county court the agent of the obligor upon whom legal process may be served at any time the said obligor or the chief officer of such corporation is absent from said county or when a return upon such summons shows that such person or officer could not, at the time of the service upon said clerk, be found in such county, and summons so served upon said county clerk, with such return, shall be as effective for bringing said obligor into court as if served in person.

§ 5. Not to Apply to Commercial Travelers, etc.—The

provisions of this act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, or to sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law, nor to any person selling farm and garden produce.

§ 6. Cities and Incorporated Towns to Regulate.—Nothing in this act contained shall be construed as prohibiting or in any way limiting or interfering with the right of any city or incorporated town to regulate or license the carrying on within such municipality the business of a transient merchant as in this act defined, in any case where authority has been or shall hereafter be conferred upon it so to do, but the requirements of this act shall be in addition thereto.

§ 7. Money to be Paid Into General Revenue Fund of the State.—All license fees collected under this act shall be paid into the Treasury of the State of Kentucky.

§ 8. Penalty.—Any person violating any of the provisions of this act or conducting any business provided against by this act, shall be guilty of a misdemeanor, whether he be the owner of the goods, wares and merchandise sold or advertised or offered for sale by him, or whether he be an agent, representative, officer, employer or employe of such owner, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars for each offense. Each day any such business is carried on in violation of the provisions of this act shall be deemed a separate offense.

§ 9. Who May Proceed.—It shall be the duty of any regular agent of the Auditor of the State of Kentucky in each county where such offense may be committed, or any special agent appointed by the Auditor of the State of Ken-

tucky for the purpose, to procure a warrant for the arrest of any one so offending, which warrant shall be issued by any officer authorized to issue warrants in such county, and the party offending shall be arrested and forthwith brought for trial before a justice of the peace or the county judge of the county in which such offense is committed, and it shall be the duty of the county attorney of such county to prosecute the accused.

§ 10. Persons Who Shall Not Be Granted License—Penalties.—No person shall be granted a license to do business who has engaged in such business, or has sold any such articles without license within six months next preceding the time application is made, who will not, in addition to the regular license tax, pay a sum equal to twenty per cent. thereof, nor shall license be granted to any person who refuses to answer, under oath, which shall be administered by the county judge at the time application is made, whether he or his agent has, within six months next before the time of the application, been guilty of engaging in such business, or selling such articles without license therefor, and any person making a false statement on such examination shall be deemed guilty of false swearing.

§ 11. That Section 4217 and 4217a of the Kentucky Statutes and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

§ 12. This act shall take effect from and after its passage.

Mr. Spahn moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. S. Hall	S. Mazyck O'Brien
Geo. B. Barrett	W. C. G. Hobbs	A. J. Oliver
G. G. Brashear	David J. Howard	William A. Perry
Frank J. Brown	J. M. Howell	A. B. Pieratt
W. H. Brown	Chas. L. Hunter	W. A. Price
E. Bullock	R.B.Hutchcraft,Jr.	J. D. Pumphrey
Henry A. Cannon	R. B. Jackson	D. S. Richardson
R. A. Cook	T. R. Jones	Lewis Ryans
A. S. Cooper	W. H. Jones	Joe Schneider
S. B. Coleman	Wm. J. Kuh	L. M. Smith
W. P. Cropper	W. T. Lasley	Claude B. Smith
R. T. Crowe	Dr. J. E. Lilly	John W. Snider
James S. Cruse	Jacob Metzger	Adam Spahn
S. C. Dobbs	Harry J. Meyers	Thomas Spurrier
Jas. R. Dorman	Claude D. Minor	Ed. D. Stone
Thomas A. Dover	S. Montgomery	R. C. Tartar
W. E. Dowling	G. B. Moores	J. H. Thompson
William Duffy	John T. Murphy	D. B. Tyra
J. M. Elliston	B. F. McAtee	John S. Webb
L. L. Embrey	E. B. McGlone	M. O. Wilson
Wm. Gearheart	W. J. McMurray	Louis E. Yewell
W. G. Gooch	C. B. Nichols	E. G. Young

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Those who voted in the negative were—

H. F. S. Bailey	T. T. Gardner	Dr. C. W. Mathers
C. H. Bays	L. B. Hamilton	John T. Roach
Chas. D. Bratcher	W. B. Harvey	J. W. Wall
H. C. Cummins	A. B. Holland	—11

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 318. An act to amend Section 10 of an act entitled, "An act to amend an act entitled, 'An act to further regulate elections,' which became a law March 11, 1898, the objections of the Governor to the contrary notwithstanding," which became a law October 24, 1900, said section being Subsection 10 of Section 1596a, Kentucky Statutes, Carroll's Edition 1915.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 10 of an act, entitled, "An act to amend an act, entitled, 'An act to further regulate elections,' which became a law March 11, 1898, the objections of the Governor to the contrary notwithstanding," which became a law October 24, 1900, said section being sub-section 10 of Section 1596a,

Kentucky Statutes, Carroll 1915, be amended by striking therefrom after the word "third" the following words:

"It shall be the duty of the Secretary of State immediately after the comparison of the returns, to cause a statement therefrom of the votes given in every county for each candidate to be published in two newspapers."

And substituting in lieu thereof, the following words:

"It shall be the duty of the State Board of Election Commissioners, immediately after the comparisons of the returns, to cause a statement therefrom of the votes given in every county for each candidate to be published in two newspapers, said newspapers to be selected by the said State Board of Election Commissioners by and with the approval of the Governor of the Commonwealth of Kentucky."

So that said section as amended shall read as follows:

"10. State Board to Canvass Returns—Certificates—Tie Vote—Presidential Electors.—Said State Board of Election Commissioners, or any two of them, in the absence of a member, shall be a board for examining and canvassing the returns of elections for any of the offices named in the last preceding section of this act. First, it shall be the duty of the said board when the returns are all in, or on the third Monday after the election, whether they are in or not, to make out in the office of the Secretary of State, from the returns made, duplicate certificates in writing over their signatures of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent, by mail, to the person elected. If all the returns are not made, the right to contest an election shall not be impaired. Second, in the case of the election of a representative in Congress there shall be three certificates, one to be retained in the office, an-

other sent, by mail, to the clerk of the House of Representatives at the seat of Federal Government, and another sent, by mail, to the person elected. Third, it shall be the duty of the State Board of Election Commissioners, immediately after the comparison of the returns, to cause a statement therefrom of the votes given in every county for each candidate to be published in two newspapers, said newspapers to be selected by the said State Board of Election Commissioners, by and with the approval of the Governor of the Commonwealth of Kentucky. Fourth, if two or more persons shall be found to have received the highest and an equal number of votes for the same office, so that the election cannot be determined among the candidates by a plurality of votes, it shall be determined by lot in such manner as the board may direct, and in the presence of not less than three other persons. Fifth, if one or more of the persons voted for as electors for President is elected, then he or they, when convened to vote for President, shall determine which of the candidates having an equal number of votes shall be deemed to be elected without casting any lot therefor. But if none is elected then the board shall determine the election, by lot, between those having the highest and equal number of votes, except that they shall be arranged and drawn for in classes, according to their known pledges to vote for the different candidates, so that the whole vote for the State shall be given to the same person."

Mr. Hutchcraft offered the following amendment to said bill, viz.:

Amend H. B. 318 by striking out lines 11 to 16 and substituting therefor:

"The State Board of Election Commissioners shall give a statement of the votes given in every county for each candidate to any newspaper which will publish same free," and by making the corresponding change in lines 32 to 37.

Said amendment was agreed to.

The roll call having been ordered Mr. Hobbs moved that same be dispensed with for a time in order that debate be had on the pending bill.

Said motion was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. M. Howell	S. Mazyck O'Brien
H. F. S. Bailey	Chas. L. Hunter	William A. Perry
Frank J. Brown	R.B.Hutchcraft,Jr.	W. A. Price
Glover H. Cary	J. M. Johnson	J. D. Pumphrey
W. P. Cropper	T. R. Jones	D. S. Richardson
R. T. Crowe	Wm. J. Kuh	John T. Roach
H. C. Cummins	W. T. Lasley	Joe Schneider
S. C. Dobbs	M. E. Lee	L. M. Smith
W. E. Dowling	Dr. J. E. Lilly	E. D. Smith
William Duffy	Dr. C. W. Mathers	Claude B. Smith
Odie Duncan	Harry J. Meyers	John W. Snider
J. R. Durham	Claude D. Minor	D. B. Tyra
J. M. Elliston	S. Montgomery	J. Wood Vance
W. G. Gooch	John T. Murphy	J. D. Wills
L. B. Hamilton	B. F. McAtee	Louis E. Yewell
W. C. G. Hobbs	W. J. McMurray	E. G. Young
David J. Howard	C. B. Nichols	—50

Those who voted in the negative were—

C. H. Bays	C. H. Grimes	A. B. Pieratt
Chas. D. Bratcher	J. S. Hall	Harry P. Purnell
G. G. Brashear	W. B. Harvey	Lewis Ryans
E. Bullock	R. B. Jackson	Thomas Spurrier
Henry A. Cannon	W. H. Jones	Ed. D. Stone
A. S. Cooper	W. R. Lyon	R. C. Tartar
James S. Cruse	Jacob Metzger	J. H. Thompson
Thomas A. Dover	G. B. Moores	J. W. Wall
L. L. Embrey	E. B. McGlone	W. M. Webb
T. T. Gardner	L. T. Neat	Frank M. White
Wm. Gearheart	A. J. Oliver	M. O. Wilson

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Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 213. An act regulating the width of tires, and the limit of load that may be hauled over any turnpike or gravel road.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or corporation to transport in any cart, wagon, automobile truck, or any other vehicle, over or along any designated surfaced roads in any county of this Commonwealth, loads that shall not be so limited and adjusted that the bearing of the load on each wheel, including the weight of the vehicle, all of which being transmitted through the axle, shall not exceed five hundred pounds per inch of tire, for tires two inches in width or less, and for tires in excess of two inches in width,

the limit shall not exceed five hundred pounds per inch width of tire, for two inches of width plus four hundred pounds for each additional inch of width.

2. By a petition of ten freeholders living along any particular road of any county of this Commonwealth, it shall be the duty of the Fiscal Court of that county to designate and determine the particular road or roads within the county to which the provisions of this act shall apply and put any such determination and designation in the records of the proceedings of the Fiscal Court, and further, to publish said determination and designation in a newspaper having a general circulation in the county at least once a week for not less than two consecutive weeks before the provisions of this act shall apply and take effect in said county.

§ 3. Every person or corporation transporting greater loads per inch of tire over and along surfaced roads, determined and designated as above, shall be guilty of a misdemeanor and for the first offense shall be punished by a fine of from twenty-five to one hundred dollars, and for each successive offense after the first, upon conviction thereof, fined not less than one hundred ($100.00) dollars nor to exceed five hundred ($500.00) dollars, and may be subject to imprisonment of from ten to thirty days, within the discretion of the court. After payment of the fines incurred in the prosecution of the violations of this act, then any sum remaining shall be paid to the treasurer of the county and placed to the credit of the County Road Fund, and shall be used wholly and solely for the repair and maintenance of roads which have been designated and named in this act.

§ 4. The prosecution of this act shall apply to all roads, so designated and determined by the Fiscal Court from the first day of December to the 30th day of April, inclusive, but roads so designated and determined by the Fiscal Court to

which the provisions of this act apply, shall remain as designated roads until the order designating them has been revoked by the Fiscal Court. An order revoking a designated road shall be given the same publicity as an order for designating the same.

§ 5. If the Fiscal Court of the county fail or refuse to determine and designate roads under the provisions of this act, after having been petitioned as herein provided for, each member of the court shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five ($25.00) nor more than one hundred ($100.00) dollars for each offense.

Mr. Minor offered the following amendment to said bill, viz.:

Amend H. B. 213 by inserting after the word "offense" in line 5 of Section 5, and before the period in said line, the following:

"Provided, no member of said Fiscal Court shall be so fined if the records of such court show that said member voted to so determine and designate the road or roads as provided for in this act."

Said amendment was agreed to.

Mr. Bullock moved that said House Bill 213 with all amendments proposed thereto be laid on the table.

The yeas and nays being called for by Messrs. Gardner and Yewell on said motion to table were as follows, viz.:

Those who voted in the affirmative were—

Geo. B. Barrett	C. H. Grimes	A. J. Oliver
C. H. Bays	J. S. Hall	Harry P. Purnell
Chas. D. Bratcher	W. B. Harvey	John T. Roach
G. G. Brashear	A. B. Holland	Lewis Ryans
Frank J. Brown	J. M. Howell	L. M. Smith
W. H. Brown	Chas. L. Hunter	Claude B. Smith
E. Bullock	R. B. Jackson	Thomas Spurrier
Glover H. Cary	J. M. Johnson	Ed. D. Stone
R. A. Cook	W. H. Jones	R. C. Tartar
A. S. Cooper	Dr. J. E. Lilly	J. H. Thompson
Thomas A. Dover	W. R. Lyon	J. Wood Vance
L. L. Embrey	S. Montgomery	John S. Webb
T. T. Gardner	G. B. Moores	W. M. Webb
Wm. Gearheart	E. B. McGlone	Frank M. White
W. G. Gooch	W. J. McMurray	J. D. Wills
Frank C. Greene	L. T. Neat	Louis E. Yewell

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Those who voted in the negative were—

Peter Ampler	L. B. Hamilton	Geo. L. Pickett
H. F. S. Bailey	W. C. G. Hobbs	A. B. Pieratt
Henry A. Cannon	David J. Howard	W. A. Price
S. B. Coleman	R.B.Hutchcraft,Jr.	J. D. Pumphrey
W. P. Cropper	T. R. Jones	Richard Radcliffe
R. T. Crowe	H. Clay Kauffman	D. S. Richardson
James S. Cruse	M. E. Lee	Joe Schneider
H. C. Cummins	Dr. C. W. Mathers	E. D. Smith
S. C. Dobbs	Harry J. Meyers	John W. Snider
Jas. R. Dorman	Claude D. Minor	Adam Spahn
W. E. Dowling	John T. Murphy	J. W. Wall
William Duffy	B. F. McAtee	M. O. Wilson
J. R. Durham	C. B. Nichols	E. G. Young
J. M. Elliston	S. Mazyck O'Brien	

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And so said motion was agreed to.

Mr. Pumphrey moved that the vote by which said bill was tabled be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 296. An act to amend and re-enact Section 3157, Kentucky Statutes, Carroll's Edition 1915, relating to clerks of the police court in cities of the second class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3157, Kentucky Statutes, Carroll's Edition, 1915, relating to clerks of the police court in cities of the second class, be and the same is hereby amended and re-enacted to read as follows:

"Section 3157. The judge of the police court shall act as the clerk of his own court, unless otherwise provided by ordinance, or may appoint a clerk for his court. The city, however, shall not be liable for the compensation of such clerk, if so appointed. The clerk of the police court shall have authority to issue all proper general *mesne* and final process in cases cognizable by said court, or which have been adjudicated."

§ 2. This act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. M. Howell	Geo. L. Pickett
H. F. S. Bailey	Chas. L. Hunter	A. B. Pieratt
C. H. Bays	R.B.Hutchcraft,Jr.	W. A. Price
Frank J. Brown	R. B. Jackson	J. D. Pumphrey
W. H. Brown	J. M. Johnson	Harry P. Purnell
E. Bullock	T. R. Jones	Richard Radcliffe
Henry A. Cannon	W. H. Jones	John T. Roach
Glover H. Cary	H. Clay Kauffman	Lewis Ryans
R. A. Cook	W. T. Lasley	L. M. Smith
A. S. Cooper	M. E. Lee	E. D. Smith
W. P. Cropper	Dr. J. E. Lilly	Claude B. Smith
James S. Cruse	W. R. Lyon	John W. Snider
H. C. Cummins	Dr. C. W. Mathers	Thomas Spurrier
S. C. Dobbs	Jacob Metzger	Ed. D. Stone
Jas. R. Dorman	Harry J. Meyers	J. H. Thompson
Thomas A. Dover	Claude D. Minor	D. B. Tyra
W. E. Dowling	G. B. Moores	J. Wood Vance
William Duffy	John T. Murphy	J. W. Wall
J. M. Elliston	B. F. McAtee	John S. Webb
L. L. Embrey	E. B. McGlone	W. M. Webb
W. G. Gooch	W. J. McMurray	Frank M. White
C. H. Grimes	L. T. Neat	Louis E. Yewell
J. S. Hall	C. B. Nichols	E. G. Young
W. C. G. Hobbs	S. Mazyck O'Brien	
A. B. Holland	A. J. Oliver	—73

Those who voted in the negative were—

Wm. Gearheart	J. D. Wills	—2

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 151. An act to amend Section 694 of the Civil Code of Practice.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 694 of the Civil Code of Practice be amended by adding at the end thereto the following, namely:

"But the holder of a prior lien may enforce the same when the debt thereby secured is due, notwithstanding the existence of inferior liens, whether the debts secured thereby are due or not; and the holder of an inferior lien, when the debt thereby secured is due, may enforce the same by a sale of the land subject to a prior lien or liens thereon, where the debt or debts secured thereby are not yet due," so that said section as amended will read as follows, namely:

1. Before ordering a sale of real property for the payment of debt, the court must be satisfied by the pleadings, by an agreement of the parties, by affidavits filed, or by a report of a commissioner or commissioners, whether or not the property can be divided without materially impairing its

value; and may cause it to be divided, with suitable avenues, streets, lanes or alleys; or without any of them.

2. If it is necessary to sell for the payment of debt a parcel of real property which cannot be divided without materially impairing its value, the officer shall sell the whole of it, though it bring more than the sum to be raised; and the court shall make proper orders for the distribution of the proceeds.

3. The plaintiff in an action to enforce a lien on real property shall state in his petition the liens, if any, which are held thereon by others, and make the holders defendants; and no sale of the property shall be ordered by the court prejudicial to the rights of the holders of any of the liens; and when it appears from the petition or otherwise that several debts are secured by one lien, or by liens of equal rank, and they are all due at the commencement of the action, or become so before judgment, the court shall order the sale for the pro rata satisfaction of all of them; but if, in such case, the debts be owned by different persons and be not all due, the court shall not order a sale of the property until they all mature. If all such liens be held by the same party, the court may order a sale of enough of the property to pay the debts then due, unless it appear that it is not susceptible of advantageous division; or that, for some other reason, the sale would cause a sacrifice thereof, or seriously prejudice the interests of the defendants, but the holder of a prior lien may enforce the same when the debt thereby secured is due, notwithstanding the existence of inferior liens, whether the debts secured thereby are due or not; and the holder of an inferior lien, when the debt thereby secured is due, may enforce the same by a sale of the land subject to a prior lien or liens thereon, where the debt or debts secured thereby are not yet due.

Mr. McMurray offered the following amendment to said bill, viz.:

Amend House Bill No. 151 by adding after line 19, of Sub-section 3, the following:

"Provided that the provisions of this act shall not apply to any liens now of record."

Said amendment was agreed to.

Mr. William Duffy moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Frank J. Brown	James S. Cruse
H. F. S. Bailey	W. H. Brown	H. C. Cummins
C. H. Bays	Henry A. Cannon	Jas. R. Dorman
Chas. D. Bratcher	R. A. Cook	William Duffy
G. G. Brashear	W. P. Cropper	Odie Duncan

J. M. Elliston	Claude D. Minor	L. M. Smith
C. H. Grimes	S. Montgomery	E. D. Smith
J. S. Hall	G. B. Moores	Claude B. Smith
W. C. G. Hobbs	B. F. McAtee	John W. Snider
David J. Howard	E. B. McGlone	Adam Spahn
Chas. L. Hunter	W. J. McMurray	Ed. D. Stone
R.B.Hutchcraft,Jr.	L. T. Neat	J. H. Thompson
R. B. Jackson	C. B. Nichols	D. B. Tyra
J. M. Johnson	S. Mazyck O'Brien	J. W. Wall
T. R. Jones	A. J. Oliver	John S. Webb
H. Clay Kauffman	A. B. Pieratt	W. M. Webb
W. T. Lasley	W. A. Price	J. D. Wills
Dr. J. E. Lilly	J. D. Pumphrey	M. O. Wilson
W. R. Lyon	Harry P. Purnell	Louis E. Yewell
Dr. C. W. Mathers	Richard Radcliffe	E. G. Young
Jacob Metzger	John T. Roach	
Harry J. Meyers	Joe Schneider	—64

Those who voted in the negative were—

T. T. Gardner	Wm. Gearheart	—2

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 79. An act relating to revenue and taxation, repealing Section 1, Subdivision 4, Article 12, Chapter 22, of the Session Acts 1906, being Section 4224, Kentucky Statutes, and enacting and substituting in lieu thereof the following:

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all of Section 1, Sub-division 4, Article 12 of Chapter 22, Session Acts of 1906, be and the same is now repealed, and that there be and now is enacted in lieu thereof the following, the same to be and become Section 1, Sub-division 4, Article 12 of Chapter 22, Acts of 1906, and Section 4224, Kentucky Statutes:

SUBDIVISION 4.

Before engaging in any occupation or selling any article named in this sub-division of Article 12 of this act, the person desiring to do so shall procure license and pay the tax thereon as follows:

To keep a tavern or hotel with twenty-five rooms or more, ten dollars.

To keep a tavern or hotel, with privilege of selling by retail malt liquors, eighty-five dollars.

To keep a tavern or hotel, with privilege of selling by retail spirituous and vinous liquors, one hundred and sixty dollars.

To keep a tavern or hotel, with privilege of selling by retail spirituous, vinous and malt liquors, two hundred and ten dollars.

To retail malt liquors, seventy-five dollars.

To retail spirituous and vinous liquors, one hundred and fifty dollars.

To retail spirituous, vinous and malt liquors, two hundred dollars.

To selling by retail playing cards, ten dollars.

To selling by retail pistols, one hundred dollars.

To selling by retail bowe knives, dirks, brass knucks or slung shots, one hundred dollars.

To engage in the business of a pawn broker, five hundred dollars.

That all resident or foreign stamp companies or corporations doing business in this State shall annually pay a license tax to the county court clerk of each county wherein such business is conducted, ten dollars.

A trading stamp company is defined to be a company that gives premiums of valuable personal property in exchange for stamps or checks furnished to purchasers of merchandise.

To the keeper of a nine-pin or ten-pin or bowling or box-ball alley or other similar contrivance for the use of which a price is charged, fifteen dollars, if the population of the county exceeds twenty-five thousand; if under that number, ten dollars, and the same rate for each alley or ballway.

To persons who are distillers of spirituous liquors in good faith, to retail spirituous liquors of their own manufacture at their distillery, or own warehouse, but shall only sell at one of said places, and that must be named and designated in the license, in quantities of not less than one quart, the liquor not to be drunk on the premises, or adjacent thereto, one hundred dollars.

To persons who are manufacturers of vinous liquors in good faith, and distillers of peach and apple brandy, to retail liquors of their own manufacture at the place of manufacture or distillery, in quantities not less than a quart, and not to be drunk on the premises, or adjacent thereto, seventy-five dollars.

To persons who are merchants in good faith, engaged in carrying on a bona fide mercantile business other than the sale of liquor by retail, to retail spirituous liquors at their store houses in quantities not less than a quart, not to be drunk on the premises, or adjacent thereto, one hundred dollars.

To persons who are druggists in good faith, to retail spirituous and vinous liquors at the drug stores in quantities not less than a quart, the liquor not be drunk on the premises, or adjacent thereto, and to sell in quantities less than a quart, for medicinal purposes only, on the prescription of a regular practicing physician, one hundred dollars.

Circuses, menageries and other exhibitions displayed under canvas, one dollar for each one hundred voters of the county in which the exhibition is given, and the same amount for each exhibition to which an admission fee is charged, but the whole amount of the tax shall not exceed fifty dollars for each exhibition; and each side show, where a separate fee is charged, shall pay a tax equal to one-half the amount of tax paid by the main circus or principal performance.

That all foreign corporations, associations, co-partnerships, firms or other persons engaged in the business or occupation of owning or operating slaughter houses, packing-houses or manufacturing establishments wherein live animals, such as beeves, hogs, sheep, chickens, turkeys, ducks, or other animals or fowls or fish, if prepared or manufactured for

food for man or beast, in whole or in part, and doing business in this State, or selling to or through brokers, jobbers, firms, traveling salesmen or on contract or through mail orders to persons in this State, shall pay a license tax therefor of fifty cents on each hundred dollars of the gross amount received, in cash or otherwise, on sales made in this State.

It shall be the duty of each foreign dealer doing such business in this State to make and deliver to the Auditor of Public Accounts, on the 31st day of December, 1906, and at the end of each six months, or within twenty days thereafter, a statement, sworn to, of the amount of the gross sales of the six months then ending, and pay into the treasury the taxes due thereon. Any dealer liable for such taxes, refusing or failing to make and deliver such report and pay the taxes as herein required shall be deemed guilty of a misdemeanor, and, upon conviction, fined not less than five hundred dollars or more than one thousand dollars for each offense, to be recovered by indictment in the Franklin Circuit Court.

To selling by retail cigarettes or cigarette paper, whether the cigarette paper be sold or given away, attached to packages of tobacco, or thrown down, or away, or so placed as to put the parties in possession of same by artifice or trick, ten dollars per annum.

To each resident wholesale dealer or jobber of cigarettes, twenty-five dollars per annum.

To selling by retail, petroleum, lubricating or other oil, for each wagon used in transporting such oils, forty dollars per year in each county in which each wagon is so used.

To stand a stud horse, jack or bull, a sum equal to the greatest sum charged for the service of the animal, whether the same be for the season or for insurance. The license for

breeding stock shall expire on the thirty-first day of December after it is granted. The applicant for such license shall state on oath, the largest amount he intends to charge, directly or indirectly, for the service of the animal, and if in property or other things, the value thereof. If any such animal be purchased or brought into the State, or from one county to another, by a citizen of this State, between the first day of July and the first day of December in any year, the tax on the license until December 31st, after the purchase or removal, shall be in proportion to the annual tax as the time for which the license has to run bears to the whole year. All persons making application for such reduced license shall make and file with the clerk an affidavit, stating when the animal was brought into the State or another county, and the name of the owner or owners and their place of residence.

Peddlers shall, except as hereinafter provided, pay for peddling in the entire State any of the articles on which a license tax is required by law, the following: One person with two-horse wagon, fifty dollars; one person with one-horse wagon, forty dollars; one person on horseback, thirty dollars; one person on foot, who carries on or about his person the article he proposes selling, or each person who may accompany a peddler with a wagon, twenty dollars; each person, who, under cover of a bona fide merchant, has come into, or taken up a temporary residence in any county, city or town of this Commonwealth, for the purpose of disposing of goods, wares or merchandise, either at auction or otherwise, and who does not carry about from place to place on his person the goods, wares or merchandise he proposes disposing of, one hundred dollars; and for each person assisting such peddler as clerk or employe, one hundred dollars. For the right to peddle in any one county in this State, each person applying therefor shall pay one-fourth as much as is required of such person for the whole State.

ANIMALS, EXHIBITION OF TRAINED.

On each exhibition of trained animals, not being a circus or menagerie, for each day or part of a day exhibited for fee charged or collected, five dollars.

AUCTIONEER.

On each auctioneer in each city, town or village, five dollars.

BILLIARD TABLES.

On each billiard table or pool table where a fee is charged and collected, directly or indirectly, twenty dollars. Where more than one table is kept for use, five dollars for each additional table.

BILL POSTERS.

On each person engaged in posting, distributing or tacking bills, placards (or other printed matter) for hire, other than those employed by resident merchants, county fair associations, owners, lessees or managers of theaters and opera houses, or candidates for political office, in advertising their respective business, ten dollars.

On each wharfboat, ten dollars.

BOTTLING ESTABLISHMENTS.

On each establishment for the bottling of proprietary and soft drinks, twenty-five dollars.

BROKERS AND COMMISSION MERCHANTS.

On each corporation, individual or firm, except banks and

trust companies, whether resident in this State or not, engaged in buying or selling notes, bonds, stocks or other securities, twenty-five dollars.

On each broker or commission merchant, other than a liquor broker, twenty-five dollars.

Cane Racks.

On each cane rack, knife rack, artful dodger, ring board or similar contrivance, by whatever name called, kept or operated for profit, for each county, five dollars.

Commercial Agencies.

Each and every person, partnership or corporation having representatives in this State, who engage in the business of inquiring into and reporting upon the credit and standing of persons engaged in business in this State, shall pay a license tax of one hundred dollars. Any person having such license shall print in his letter head a statement of the fact. The payment of the tax shall be made direct to the Auditor, and his receipt therefor shall exempt the company or party carrying on said business from the payment of such tax in any county, and payment of such tax shall not be required of any sub-agent or correspondent of the party for the company carrying on said business in this State; and, any such agent or company, and who shall transact any business, make report to such company, whether within or without this State, without the party or company having first paid the tax herein provided, shall be liable to all penalties for carrying on the business without paying the tax.

Exhibitions.

On each show, exhibition, concert or other performance where a fee is charged or collected, and not devoted exclus-

ively to religious, benevolent or educational purposes, and not in a licensed hall, five dollars.

FEATHER RENOVATORS.

On each feather renovator in each county where operated, ten dollars, and ten dollars for each wagon operated where more than one is used.

FERRIES.

On each steam ferry operated in this State, in whole or in part, in any stream, not paying a franchise tax, twenty-five dollars.

Fortune tellers, clairvoyants and palmists: In each county, twenty dollars.

Hack lines: On each regular hack, stage, line drawn by horses for public use, carrying passengers, where a fare is charged and collected, fifteen dollars, and five dollars for each vehicle more than one. Each automobile hack line carrying freight and passengers of less than two tons' capacity, twenty-five dollars.

Ice factories: On each ice factory of a capacity of five tons or less per day, fifteen dollars.

Same of not more than ten tons per day, twenty dollars.

Same of not more than fifteen tons per day, twenty-five dollars.

Same of more than fifteen tons per day, twenty-five dollars.

Same of more than fifteen tons per day, thirty dollars.

Laundry (steam): On each steam laundry, ten dollars. And each foreign laundry doing business in this State shall pay a license tax of ten dollars.

Loan companies: And each corporation, association, firm or person who loan money upon salaries or household furniture, two hundred dollars.

Lightning rod agents: On each lightning rod agent in each county, fifty dollars.

Merry-go-round: On each merry-go-round or like contrivance, ten dollars in each county.

Oleomargarine dealer: On each dealer in oleomargarine or similar manufactured butter, five dollars.

PATENT MEDICINE.

On each transient vendor or trader of patent, secret or proprietary medicines or nostrums, by whatever name called, whether traded or sold by another, or otherwise, one hundred and twenty-five dollars.

PHOTOGRAPH GALLERIES.

On each photograph, tin type, open air or tent gallery, set up in, or outside of any city or town in each county, five dollars.

PIANO AND ORGAN AGENTS.

On each agency for the sale of pianos and organs, for each county, ten dollars, and five dollars for each wagon used, more than one. The agency shall be deemed to be where the pianos or organs are stored or kept, and the person in charge of same shall be deemed the agent, and liable for the taxes.

RAILROAD EATING HOUSES.

On each railroad eating house, ten dollars.

RESTAURANTS.

On each restaurant in any city or town, five dollars.

REAL ESTATE AGENTS.

On each real estate agency, ten dollars, and five dollars for each automobile used in the prosecution of the real estate business.

SEWING MACHINE AGENCY.

On each sewing machine agency, ten dollars for each county, and five dollars for each vehicle used in the prosecution of the business. The license on the wagon to be paid in each county where operated.

SHOOTING GALLERY.

On each shooting gallery, each county, five dollars.

SODA FOUNTAINS.

On each soda fountain, two dollars and fifty cents. On each person or firm selling proprietary or soft drinks, natural or mineral waters and not from a fountain, two dollars and fifty cents.

PICTURE ENLARGEMENTS.

On each solicitor or agent for the enlargement of pictures, or solicitors for picture frames or pictures, each county, five dollars.

THEATERS.

On each theater or opera house for public exhibitions or performances in cities of the first class, forty dollars; in cities of the second class, twenty dollars; in cities of the third class, fifteen dollars; in cities of the fourth, fifth and sixth class, ten dollars.

VENDORS OF SPECTACLES AND JEWELRY.

On each transient vendor of spectacles or jewelry, whether offered for sale in the store of a licensed merchant or not, each county, ten dollars.

VENDORS OF STOVES AND RANGES.

On each transient vendor of iron or steel ranges, in each county, twenty dollars, and five dollars on each wagon used.

MOTOR TRUCK LINE.

On each motor truck line engaged in the transportation of merchandise, thirty dollars, and on each additional machine, more than one, of two or less tons' capacity, fifteen dollars, and of more than two tons' capacity, fifty dollars. On each trailer, fifteen dollars.

On each person, firm or corporation engaged in hauling or transporting saw logs, in each county where the hauling or transporting is done, fifteen dollars for each wagon used.

SKATING RINKS.

On each skating rink or room or place run for hire or profit as follows: In cities of the first class, seventy-five dollars; in cities of the second class, fifty dollars; in cities of the third class, twenty-five dollars; in cities of the fourth

class, ten dollars; in cities and towns of the fifth and sixth class, five dollars.

WHOLESALE LIQUOR DEALERS.

That all corporations, associations, companies, co-partnerships, or individuals, citizens (except distillers selling straight whiskies or brandies of their own make) of, or residing in this State, engaged in the business or occupation of compounding, rectifying or blending distilled spirits, or selling by wholesale in the usual course of trade distilled spirits, or selling by wholesale compounded, rectified or blended spirits, known and designated as single stamp spirits, shall annually pay to the State a license therefor. That all foreign corporations, associations, companies, co-partnerships, or individuals engaged in the business or occupation of selling by wholesale in this State in the usual course of trade distilled spirits, or rectified, blended or compounded spirits known and designated as single stamp spirits, shall annually pay to the State a license tax therefor. That all corporations, companies, associations, co-partnerships, or individuals, citizens of, or residing in this State and engaged in the business or occupation of owning or operating breweries, shall annually pay a license tax to the State therefor. That all corporations, companies, associations, co-partnerships or individuals engaged in the business of a broker or commission merchant selling straight whiskey and who do not handle the same shall annually pay a license therefor to the State. That all foreign corporations, associations, companies, co-partnerships or individuals engaged in the business of selling by wholesale in this State, in the usual course of trade, beers or malted liquors, shall annually pay a license tax to the State therefor as hereinafter specifically provided for. That all corporations, associations, companies, co-partnerships, or individuals, citizens of, or residing in this State

and engaged in the business of selling by wholesale, in the usual course of trade, wines, ales, mineral waters or any vinous liquors, shall annually pay to the State a license tax therefor. That all foreign corporations, associations, companies, co-partnerships or individuals engaged in the business of selling in this State by wholesale or to jobbers in the usual course of trade, wines, ales, mineral waters, or vinous liquors, shall annually pay a license tax to the State therefor. The license taxes imposed shall be as follows, viz.:

For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales for the year ending June 30, 1906, and on same date of each year thereafter, have in the aggregate been five hundred barrels or less, one hundred dollars.

For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single samp spirits, whose sales for the year ending June 30, 1906, and on the same date of each year thereafter, have in the aggregate been over five hundred barrels and less than one thousand barrels, two hundred dollars.

For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales for the year ending June 30, 1906, and on the same date of each year thereafter have been in the aggregate one thousand barrels or more, three hundred dollars.

For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits whose sales in this State for the year ending June 30, 1906, and on the same date of each year thereafter, have been in the aggregate five hundred barrels or less, one hundred dollars.

For each foreign wholesale dealer of distilled spirits or

rectified, blended or compounded, single stamp spirits, whose sales in this State for the year ending June 30, 1906, and on the same date of each year thereafter, have been over five hundred barrels and less than one thousand barrels, two hundred dollars.

For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits, whose sales in this State for the year ending June thirtieth, one thousand nine hundred and six, and on the same date of each year thereafter, have been in the aggregate of one thousand barrels or more, three hundred dollars.

For each brewery in this State, two hundred dollars.

For each agency in this State established by resident brewers or resident wholesale dealers in domestic beer or malted liquors, twenty-five dollars.

For each foreign brewer doing business in this State, two hundred dollars.

For each agency established and operated in this State by a foreign brewer or foreign wholesale dealer or jobber of any foreign beers or malted liquors, twenty-five dollars.

For each resident wholesale dealer of wines, ales or any vinous liquors, two hundred dollars: Provided, That in the event a resident wholesale dealer of wines, ales, or any vinous liquors, is also a wholesale dealer of rectified, blended or compounded single stamp spirits or of straight distilled spirits, but one license tax shall be paid, and which shall not be less than three hundred and fifty dollars.

For each foreign wholesale dealer or jobber of wines, ales, mineral waters or vinous liquors, two hundred dollars.

For each broker or commission merchant selling straight whiskey, and who do not handle the same, one hundred dollars.

Each resident and foreign wholesale dealer in distilled spirits, blended or compounded single stamp spirits doing business in this State, shall annually on or before the 10th day of July, file with the Auditor of Public Accounts a report, stating his name, principal place of business and the number of barrels of spirits sold for the year ending June 30th of each year and pay into the State Treasury tax for the preceding year based upon the amount of business done during the preceding year. Any corporation, association, company or co-partnership or individual liable for tax provided for, and who shall fail to make the report required and pay license tax into the State Treasury as required, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars for each offense, to be recovered upon indictment in the Franklin Circuit Court.

All license taxes imposed shall be paid into the State treasury on or before the 10th day of June of each year, and upon payment of such taxes the Auditor of Public Accounts shall issue receipt to the person paying same, and issue a license in proper form authorizing the person to engage in the business for which the tax was paid, which license shall be conspicuously posted at his principal place of business in this State. Duplicates of the receipts showing payment of license tax and expiration thereof shall be furnished by each foreign dealer having no office in this State to each salesman traveling and operating in this State.

Any foreign corporation, association, company, co-partnership or individual who shall, in the usual course of trade, sell in this State distilled spirits, or rectified, blended or

compounded single stamp spirits or wines, ales, mineral waters, or any vinous liquors or beers or malted liquors, either upon orders from citizens of this State or through resident agents or through traveling salesmen, shall, for the purpose of this act, be deemed doing business in the State of Kentucky, and shall be liable for the license tax imposed and all penalties provided for by law for failure to pay such taxes.

In the event any foreign dealer who shall do business in this State, but fail or refuse to pay the license tax imposed, it shall be the duty of any revenue agent in this Commonwealth to file the information with the county court wherein such business may have been transacted and the county court shall have due investigation made in accordance with the information and facts furnished by the revenue agent and shall assess the tax against such foreign dealers together with twenty per cent. penalty due to the revenue agent for his services, and it shall be the duty of such revenue agent to ascertain whether or not such foreign delinquent has any property in this State and may attach the same in the name of the Commonwealth in any court of competent jurisdiction without being required to execute attachment bond, and collect and pay into the State Treasury any license tax due by such delinquent.

Any person or corporation who shall fail to procure the license as hereinabove required, or violates any of the above provisions, shall, on conviction, be fined not less than twenty-five nor more than one hundred dollars for each offense.

Mr. Harvey moved that the session be extended until the matter under consideration is disposed of.

Said motion was agreed to.

Mr. Stone moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Mr. Hobbs moved that said House Bill 79 with all its proposed amendments thereto be laid on the table.

The yeas and nays being called for on said motion to table by Messrs. Mathers and Hobbs were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	C. H. Grimes	S. Mazyck O'Brien
H. F. S. Bailey	J. S. Hall	A. J. Oliver
C. H. Bays	W. C. G. Hobbs	William A. Perry
Chas. D. Bratcher	A. B. Holland	Geo. L. Pickett
G. G. Brashear	David J. Howard	W. A. Price
Frank J. Brown	J. M. Howell	Harry P. Purnell
E. Bullock	R. B. Jackson	D. S. Richardson
Henry A. Cannon	T. R. Jones	Lewis Ryans
Glover H. Cary	W. H. Jones	Joe Schneider
A. S. Cooper	H. Clay Kauffman	Claude B. Smith
S. B. Coleman	W. T. Lasley	Adam Spahn
W. P. Cropper	Dr. J. E. Lilly	Thomas Spurrier
R. T. Crowe	W. R. Lyon	R. C. Tartar
James S. Cruse	Jacob Metzger	J. H. Thompson
S. C. Dobbs	Harry J. Meyers	Robt. R. Treadway
Jas. R. Dorman	Claude D. Minor	D. B. Tyra
Thomas A. Dover	S. Montgomery	J. W. Wall
W. E. Dowling	G. B. Moores	John S. Webb
William Duffy	John T. Murphy	Frank M. White
Odie Duncan	B. F. McAtee	J. D. Wills
L. L. Embrey	E. B. McGlone	Louis E. Yewell
T. T. Gardner	W. J. McMurray	E. G. Young
Wm. Gearheart	L. T. Neat	
W. G. Gooch	C. B. Nichols	—70

Those who voted in the negative were—

W. H. Brown	R.B.Hutchcraft,Jr.	John T. Roach
W. P. Cropper	J. M. Johnson	L. M. Smith
H. C. Cummins	Wm. J. Kuh	E. D. Smith
J. R. Durham	M. E. Lee	John W. Snider
J. M. Elliston	Dr. C. W. Mathers	Ed. D. Stone
Frank C. Greene	A. B. Pieratt	W. M. Webb
W. B. Harvey	J. D. Pumphrey	M. O. Wilson

—21

And so said motion was agreed to.

Mr. William Duffy moved that the vote by which said bill was tabled be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Hobbs moved that Senate Bill 37 be called from the Committee on Constitutional Amendments and be given its first reading and placed in the calendar.

Mr. Hutchcraft moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Mr. W. M. Webb moved that the session be extended until the matter under consideration is disposed of.

Said motion was agreed to.

The following pair was announced to the House on Mr. Hobbs' motion to call Senate Bill 37 from the committee.

This pair between Geo. B. Barrett and E. Bullock shall apply on all questions pertaining to woman's suffrage, taken Friday, March 10, 1916.

GEO. B. BARRETT,
E. BULLOCK.

The yeas and nays being called for by Messrs. Spurrier and Stone on said motion by Mr. Hobbs were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. C. G. Hobbs	John T. Roach
C. H. Bays	A. B. Holland	Lewis Ryans
Chas. D. Bratcher	David J. Howard	E. D. Smith
G. G. Brashear	R. B. Jackson	John W. Snider
W. H. Brown	T. R. Jones	Thomas Spurrier
A. S. Cooper	W. H. Jones	Ed. D. Stone
James S. Cruse	H. Clay Kauffman	R. C. Tartar
Thomas A. Dover	W. R. Lyon	J. H. Thompson
L. L. Embrey	G. B. Moores	Robt. R. Treadway
T. T. Gardner	E. B. McGlone	J. Wood Vance
Wm. Gearheart	L. T. Neat	J. W. Wall
Frank C. Greene	C. B. Nichols	W. M. Webb
C. H. Grimes	A. J. Oliver	Frank M. White
J. S. Hall	A. B. Pieratt	M. O. Wilson
W. B. Harvey	Harry P. Purnell	E. G. Young

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Those who voted in the negative were—

Peter Ampler	W. E. Dowling	J. M. Johnson
Frank J. Brown	William Duffy	Wm. J. Kuh
Henry A. Cannon	Odie Duncan	W. T. Lasley
Glover H. Cary	J. R. Durham	M. E. Lee
S. B. Coleman	J. M. Elliston	Dr. J. E. Lilly
W. P. Cropper	W. G. Gooch	Dr. C. W. Mathers
R. T. Crowe	J. M. Howell	Jacob Metzger
H. C. Cummins	Chas. L. Hunter	Harry J. Meyers
S. C. Dobbs	R.B.Hutchcraft,Jr.	Claude D. Minor

S. Montgomery	W. A. Price	D. B. Tyra
John T. Murphy	J. D. Pumphrey	John S. Webb
B. F. McAtee	D. S. Richardson	J. D. Wills
W. J. McMurray	Joe Schneider	Louis E. Yewell
S. Mazyck O'Brien	L. M. Smith	H. C. Duffy
William A. Perry	Claude B. Smith	
Geo. L. Pickett	Adam Spahn	—46

And so said motion was disagreed to.

Mr. Pumphrey moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

EVENING SESSION.

At 7 o'clock the House reconvened.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 135. An act to amend an act entitled "An act to incorporate the Kentucky Confederate Home and provide for the maintenance thereof," approved March 27, 1902, amended March 26, 1904, March 21, 1906, March 19, 1910, and March 18, 1912.

H. B. 47. An act to amend part of an act entitled "An act for the government of cities of the first class," approved July 1, 1893, which relates to revenue and taxation, as amended at the regular session of the General Assembly during the year 1910, being section 3002 of the Kentucky Statutes, 1915.

H. B. 312. An act for the benefit of the Kentucky Illiteracy Commission; appropriating money thereto and providing a census of adult illiterates.

With an amendment thereto.

H. B. 65. An act in relation to the semi-monthly payment of wages and salaries by corporations for pecuniary profit and providing penalty for violation of same.

With an amendment thereto.

Mr. Pumphrey moved that the consideration of House Bill 65, together with the amendment proposed thereto by the Senate, be postponed until tomorrow.

The yeas and nays being called for by Messrs. Bailey and Murphy on said motion were as follows, viz.:

Those who voted in the affirmative were—

S. B. Coleman	L. T. Neat	John W. Snider
Jas. R. Dorman	A. J. Oliver	Ed. D. Stone
Thomas A. Dover	William A. Perry	R. C. Tartar
L. L. Embrey	J. D. Pumphrey	J. W. Wall
T. T. Gardner	D. S. Richardson	John S. Webb
Wm. Gearheart	John T. Roach	W. M. Webb
R.B.Hutchcraft,Jr.	Lewis Ryans	Frank M. White

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Those who voted in the negative were—

Peter Ampler	A. S. Cooper	William Duffy
H. F. S. Bailey	W. P. Cropper	Odie Duncan
Frank J. Brown	R. T. Crowe	J. R. Durham
W. H. Brown	James S. Cruse	J. M. Elliston
E. Bullock	H. C. Cummins	W. G. Gooch
Glover H. Cary	S. C. Dobbs	Frank C. Greene

C. H. Grimes	M. E. Lee	A. B. Pieratt
W. B. Harvey	Dr. J. E. Lilly	W. A. Price
W. C. G. Hobbs	Dr. C. W. Mathers	Joe Schneider
A. B. Holland	Jacob Metzger	Claude B. Smith
David J. Howard	S. Montgomery	Thomas Spurrier
J. M. Howell	G. B. Moores	J. H. Thompson
R. B. Jackson	John T. Murphy	J. D. Wills
J. M. Johnson	E. B. McGlone	M. O. Wilson
T. R. Jones	W. J. McMurray	Louis E. Yewell
H. Clay Kauffman	C. B. Nichols	E. G. Young
Wm. J. Kuh	Geo. L. Pickett	—50

And so said motion was disagreed to.

Mr. Murphy moved that this House refuse to concur in amendment and that the Speaker appoint a committee of three to confer with the Senate.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 504. An act to place medicinal roots and herbs on same footing, for taxation, as other growing crops.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter all medicinal roots and herbs grown in this State for profit shall be and the same are hereby put upon the same footing as other growing crops for assessment and taxation.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	C. H. Grimes	A. B. Pieratt
H. F. S. Bailey	W. C. G. Hobbs	W. A. Price
G. G. Brashear	A. B. Holland	John T. Roach
Frank J. Brown	R. B. Jackson	Lewis Ryans
W. H. Brown	J. M. Johnson	Joe Schneider
E. Bullock	T. R. Jones	John W. Snider
Glover H. Cary	W. H. Jones	Adam Spahn
A. S. Cooper	Wm. J. Kuh	Thomas Spurrier
W. P. Cropper	W. T. Lasley	Ed. D. Stone
R. T. Crowe	Dr. J. E. Lilly	R. C. Tartar
James S. Cruse	Dr. C. W. Mathers	J. H. Thompson
H. C. Cummins	Jacob Metzger	D. B. Tyra
S. C. Dobbs	S. Montgomery	J. W. Wall
Jas. R. Dorman	G. B. Meores	John S. Webb
Thomas A. Dover	John T. Murphy	W. M. Webb
William Duffy	B. F. McAtee	Frank M. White
J. M. Elliston	E. B. McGlone	J. D. Wills
L. L. Embrey	L. T. Neat	M. O. Wilson
T. T. Gardner	C. B. Nichols	Louis E. Yewell
Wm. Gearheart	S. Mazyck O'Brien	E. G. Young
W. G. Gooch	William A. Perry	
Frank C. Greene	Geo. L. Pickett	—64

Those who voted in the negative were—

S. B. Coleman	J. D. Pumphrey	—2

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 303. An act defining warehouse receipts and regulating the issue thereof; defining the obligations and rights of warehousemen under their receipts; negotiation and transfer of receipts; fixing penalties for violation; and an interpretation of this act.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I.

THE ISSUE OF WAREHOUSE RECEIPTS.

§ 1. Warehouse receipts may be issued by any warehouseman.

§ 2. Warehouse receipts need not be in any particular form, but every such receipt embody within its written or printed terms—

(a) The location of the warehouse where the goods are stored.

(b) The date of issue of the receipt.

(c) The consecutive number of the receipt.

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.

(e) The rate of storage charges.

(f) A description of the goods or of the packages containing them.

(g) The signature of the warehouseman, which may be made by his authorized agent.

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; and,

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of any of the terms herein required.

§ 3. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not—

(a) Be contrary to the provisions of this act.

(b) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

§ 4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

§ 5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

§ 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

§ 7. A non-negotiable receipt shall have plainly placed upon its face by the warehouse issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, mem-

oranda, or written acknowledgments of an informal character.

PART II.

OBLIGATIONS AND RIGHTS OF WAREHOUSEMEN UPON THEIR RECEIPTS.

§ 8. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with—

(a) An offer to satisfy the warehouseman's lien;

(b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and,

(c) A readiness and willingness to sign, when the goods are delivered, and acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

§ 9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is—

(a) The person lawfully entitled to the possession of the goods, or his agent;

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper; or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

§ 10. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section and though he delivered the boods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either—

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery; or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

§ 11. Except as provided in section 36, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired

title to the receipt before or after the delivery of the goods by the warehouseman.

§ 12. Except as provided in section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

§ 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was—

(a) Immaterial,

(b) Authorized, or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the

alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

§ 14. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

§ 15. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncancelled at the date of the issue of the duplicate, but shall impose upon him no other liability.

§ 16. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

§ 17. If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

§ 18. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him ~~or~~ to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

§ 19. Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

§ 20. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon

them indicate, or of the kind they were said to be by the depositor.

§ 21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

§ 22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

§ 23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

§ 24. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

§ 25. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they can not thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered

to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

§ 26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which can not readily be attached or levied upon by ordinary legal process.

§ 27. Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

§ 28. Subject to the provisions of section 30 a warehouseman's lien may be enforced—

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted; and,

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person has been so entrusted with the possession of the goods that a pledge of the same by him at the time of

the deposit to one who took the goods in good faith for value would have been valid.

§ 29. A warehouseman loses his lien upon goods—

(a) By surrendering possession thereof; or,

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

§ 30. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerate other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within terms of section 27, although the amount of the charges so enumerated is not stated in the receipt.

§ 31. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

§ 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

§ 33. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in

the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due;

(b) A brief description of the goods against which the lien exists;

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail; and,

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale

is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person ettitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

§ 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public

or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

§ 35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

§ 36. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

PART III.

NEGOTIATION AND TRANSFER OF RECEIPTS.

§ 37. A negotiable receipt may be negotiated by delivery—

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer; or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

§ 38. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

§ 39. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A non-negotiable receipt can not be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

§ 40. A negotiable receipt may be negotiated—

(a) By the owner thereof; or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

§ 41. A person to whom a negotiable receipt has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value; and,

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

§ 42. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title of the goods, subject to the terms of any agreement with the transferor.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

§ 43. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

§ 44. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

(a) That the receipt is genuine;

(b) That he has a legal right to negotiate or transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt; and,

(d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

§ 45. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

§ 46. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to war-

rant the genuineness of such receipt or the quantity or quality of the goods therein described.

§ 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value thereof, without notice of the breach of duty, or fraud, mistake or duress.

§ 48. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

§ 49. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior to subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transit. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Part IV.

Criminal Offenses.

§ 50. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

§ 51. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 52. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncancelled, without plainly placing upon the face thereof the word "Duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in section 14, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

§ 53. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any

of his officers, agents, or servants, who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 54. A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncancelled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections 14 and 36, be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 55. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Part V.

Interpretation.

§ 56. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coer-

cion, mistake, bankruptcy, or other invalidating cause, shall govern.

§ 57. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 58. (1) In this act, unless the context or subject-matter otherwise requires—

"Action" includes counter-claim, set-off, and suit in equity.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means chattels or merchandise in storage, or which has been or is about to be stored.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein.

"Order" means an order by indorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

§ 59. The provisions of this act do not apply to receipts made and delivered prior to the taking effect of this act.

§ 60. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 61. This act shall take effect on the..... day of ....., one thousand nine hundred and .....

§ 62. This act may be cited as the Uniform Warehouse Receipt Act.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. B. Harvey	W. J. McMurray
H. F. S. Bailey	W. C. G. Hobbs	S. Mazyck O'Brien
Frank J. Brown	A. B. Holland	William A. Perry
W. H. Brown	David J. Howard	Geo. L. Pickett
E. Bullock	J. M. Howell	A. B. Pieratt
Glover H. Cary	R.B.Hutchcraft,Jr.	W. A. Price
A. S. Cooper	J. M. Johnson	Richard Radcliffe
W. P. Cropper	T. R. Jones	D. S. Richardson
James S. Cruse	W. H. Jones	John T. Roach
H. C. Cummins	Wm. J. Kuh	Joe Schneider
S. C. Dobbs	W. T. Lasley	John W. Snider
Jas. R. Dorman	M. E. Lee	Adam Spahn
J. R. Durham	Dr. J. E. Lilly	Ed. D. Stone
J. M. Elliston	Dr. C. W. Mathers	R. C. Tartar
L. L. Embrey	Jacob Metzger	J. Wood Vance
T. T. Gardner	Claude D. Minor	J. W. Wall
Wm. Gearheart	S. Montgomery	John S. Webb
W. G. Gooch	G. B. Moores	Louis E. Yewell
Frank C. Greene	John T. Murphy	E. G. Young
C. H. Grimes	B. F. McAtee	
J. S. Hall	E. B. McGlone	—61

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 128. An act requiring the county superintendent of each county to publish in a county paper published in the county the settlements made with the county judge, as provided by section 4409, Kentucky Statutes (Carroll's edition.) which publication must contain a statement of all moneys received from every source, for what paid, to whom paid and what amounts remain in their hands.

S. B. 100. An act to provide for the construction and reconstruction and maintenance of through main routes of travel.

To the Committee on Public Roads and Highways.

S. B. 46. An act making unlawful the use of any statement of fact in any advertisement, which statement is untrue, deceptive or misleading, and providing a penalty for any violation of this act.

To the Committee on Criminal Law.

Also that they had passed a resolution which originated in that body of the following title, viz.:

S. Res. 24. Joint resolution to provide for the payment of expenses of the committee named by the Senate to attend the funeral of the late Senator from the Thirty-fifth District and to pay the expenses of the committee named by Lieutenant-Governor McDermott during vacation to attend the funeral of Senator Walker C. Hall and to pay for the floral design ordered by the Senate at the funeral of Senator Stewart.

To the Committee on Appropriations.

A message was received from the Senate announcing that

they had passed bills which originated in the House of the following titles, viz.:

H. B. 80. An act to amend and re-enact section 3483, chapter 89, Kentucky Statutes, Carroll's edition, relating to adding or striking off territory of cities of the fourth class, being an act of June 28, 1893, amended March 22, 1902, and previously amended March 24, 1894, and March 17, 1898.

H. B. 150. An act to further amend sections 124 and 143 of an act entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, as amended by an act entitled "An act to amend an act entitled 'An act for the creation and regulation of private corporations,' " being an act relating to the subject of insurance and the transaction of the business of life or casualty insurance or both life and casualty insurance upon the co-operative or assessment plan, which became a law on June ....., 1910, and is chapter 103 of the Acts of 1910, and which sections are sections 661 and 680 of the Kentucky Statutes, Carroll's edition of 1915.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

H. B. 556. An act to amend and re-enact Chapter 23a, Section 418a, Kentucky Statutes, Carroll's Edition 1915, which is an act of 1912, dividing the State of Kentucky into eleven Congressional districts.

Said bill reads as follows, viz.:
wealth of Kentucky:

Be it enacted by the General Assembly of the Common-

§ 1. That the Commonwealth of Kentucky be, and the

same is, hereby divided into eleven Congressional districts, as follows:

First District—The First District shall be composed of the counties of Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg.

Second District—The Second District shall be composed of the counties of Christian, Daviess, Hancock, Henderson, Hopkins, McLean, Union, and Webster.

Third District—The Third District shall be composed of the counties of Allen, Butler, Barren, Edmonson, Logan, Metcalfe, Muhlenberg, Simpson, Todd, and Warren.

Fourth District—The Fourth District shall be composed of the counties of Breckinridge, Bullitt, Grayson, Greene, Hardin, Hart, LaRue, Marion, Meade, Nelson, Ohio, Taylor and Washington.

Fifth District—The Fifth District shall be composed of the county of Jefferson.

Sixth District—The Sixth District shall be composed of the counties of Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton and Trimble.

Seventh District—The Seventh District shall be composed of the counties of Bourbon, Clarke, Estill, Fayette, Franklin, Henry, Lee, Oldham, Owen, Powell, Scott and Woodford.

Eighth District—The Eighth District shall be composed of the counties of Adair, Anderson, Boyle, Casey, Garrard, Jessamine, Lincoln, Madison, Mercer, Shelby and Spencer.

Ninth District—The Ninth District shall be composed of the counties of Bracken, Bath, Boyd, Carter, Elliott, Fleming, Greenup, Harrison, Lewis, Lawrence, Mason, Menifee, Morgan, Nicholas, Robertson, Rowan, Wolfe, Montgomery and Breathitt.

Tenth District—The Tenth District shall be composed of the counties of Floyd, Johnson, Knott, Letcher, Martin, Magoffin, Pike, Perry, Leslie, Harlan, Bell and Knox.

Eleventh District—The Eleventh District shall be composed of the counties of Jackson, Owsley, Clay, Laurel, Whitley, McCreary, Rockcastle, Pulaski, Wayne, Russell, Cumberland, Clinton and Monroe.

Mr. W. M. Webb offered the following amendment to said bill, viz.:

Amend by adding to line 31, after the word "Knox" the words "Lawrence and Boyd."

The yeas and nays being called for on the adoption of said amendment by Messrs. J. S. Webb and W. M. Webb were as follows, viz.:

Those who voted in the affirmative were—

G. G. Brashear	R. B. Jackson	Thomas Spurrier
W. H. Brown	W. H. Jones	Ed. D. Stone
W. P. Cropper	Wm. J. Kuh	J. H. Thompson
Thomas A. Dover	Jacob Metzger	J. W. Wall
L. L. Embrey	G. B. Moores	W. M. Webb
Wm. Gearheart	E. B. McGlone	Frank M. White
C. H. Grimes	L. T. Neat	
W. B. Harvey	A. J. Oliver	—22

Those who voted in the negative were—

Peter Ampler	T. R. Jones	Richard Radcliffe
Frank J. Brown	H. Clay Kauffman	D. S. Richardson
Glover H. Cary	W. T. Lasley	John T. Roach
A. S. Cooper	M. E. Lee	Joe Schneider
S. B. Coleman	Dr. J. E. Lilly	L. M. Smith
James S. Cruse	Dr. C. W. Mathers	E. D. Smith
H. C. Cummins	Claude D. Minor	Claude B. Smith
S. C. Dobbs	S. Montgomery	John W. Snider
Jas. R. Dorman	John T. Murphy	Adam Spahn
William Duffy	B. F. McAtee	R. C. Tartar
Odie Duncan	W. J. McMurray	J. Wood Vance
J. R. Durham	C. B. Nichols	J. D. Wills
J. M. Elliston	S. Mazyck O'Brien	M. O. Wilson
W. C. G. Hobbs	Geo. L. Pickett	Louis E. Yewell
David J. Howard	A. B. Pieratt	E. G. Young
J. M. Howell	W. A. Price	
Chas. L. Hunter	J. D. Pumphrey	—49

And so said amendment was disagreed to.

Mr. Jackson offered the following amendment to said bill, viz.:

To amend House Bill No. 556 by striking out the word "Estill," after the word "Clark," in line 20, Section 1, and the word "Lee," after the word "Henry," in line 20 Section 1.

And striking out the word "and," after the word "Bell," in line 31, Section 1, and adding the words "Lee and Estill," after the word "Knox," in line 31, Section 1.

Said amendment was disagreed to.

Mr. Kauffman moved that said House Bill 556 and all pending amendments be laid on the table.

The yeas and nays being called for on said motion by Messrs. W. M. and J. S. Webb were as follows, viz.:

Those who voted in the affirmative were—

G. G. Brashear	W. B. Harvey	A. J. Oliver
W. H. Brown	R. B. Jackson	Thomas Spurrier
E. Bullock	W. H. Jones	Ed. D. Stone
A. S. Cooper	H. Clay Kauffman	J. H. Thompson
James S. Cruse	Wm. J. Kuh	John S. Webb
Thomas A. Dover	Jacob Metzger	J. W. Wall
L. L. Embrey	G. B. Moores	W. M. Webb
Wm. Gearheart	E. B. McGlone	Frank M. White
C. H. Grimes	L. T. Neat	M. O. Wilson
J. S. Hall	C. B. Nichols	—29

Those who voted in the negative were—

Peter Ampler	A. B. Holland	A. B. Pieratt
H. F. S. Bailey	David J. Howard	W. A. Price
Frank J. Brown	J. M. Howell	J. D. Pumphrey
Glover H. Cary	Chas. L. Hunter	Richard Radcliffe
S. B. Coleman	J. M. Johnson	D. S. Richardson
W. P. Cropper	T. R. Jones	John T. Roach
R. T. Crowe	W. T. Lasley	Joe Schneider
H. C. Cummins	M. E. Lee	L. M. Smith
S. C. Dobbs	Dr. J. E. Lilly	E. D. Smith
Jas. R. Dorman	Dr. C. W. Mathers	Claude B. Smith
William Duffy	Claude D. Minor	John W. Snider
Odie Duncan	S. Montgomery	R. C. Tartar
J. R. Durham	John T. Murphy	J. Wood Vance
J. M. Elliston	B. F. McAtee	J. D. Wills
T. T. Gardner	W. J. McMurray	Louis E. Yewell
Frank C. Greene	S. Mazyck O'Brien	E. G. Young
W. C. G. Hobbs	Geo. L. Pickett	—50

And so said motion was disagreed to.

Mr. Stone offered the following amendment to said bill:

Amend H. B. 556 by striking out the word "Knox" from line 31, page 3, and insert the word "Knox" after the word "Monroe" in line 34.

Said amendment was disagreed to.

Mr. Wilson offered the following amendment to said bill:

Amend House Bill No. 556 by striking out the word "Harrison" in line twenty-six (26), page 2, and inserting the word "Harrison" in line seventeen (17) after the word "Grant" and before the word "Kenton."

Said amendment was disagreed to.

Mr. Wilson offered the following amendment to said bill:

Amend House Bill No. 556 by striking out the word "Morgan" in the 27th line, page 2, and the words "Wolfe and Breathitt" in the 28th line, page 2, and inserting the words "Morgan, Wolfe and Breathitt" after the word "Bell" in the 31st line on page 3.

Said amendment was disagreed to.

Mr. Murphy moved the previous question.

The Speaker stated: Shall the main question be now put?

The yeas and nays being taken on said question were as follows:

Those who voted in the affirmative were—

Frank J. Brown	Chas. L. Hunter	Geo. L. Pickett
Glover H. Cary	R.B.Hutchcraft,Jr.	A. B. Pieratt
S. B. Coleman	J. M. Johnson	Richard Radcliffe
W. P. Cropper	T. R. Jones	D. S. Richardson
R. T. Crowe	W. H. Jones	John T. Roach
H. C. Cummins	W. T. Lasley	Joe Schneider
S. C. Dobbs	Dr. J. E. Lilly	E. D. Smith
Jas. R. Dorman	Dr. C. W. Mathers	Claude B. Smith
William Duffy	Claude D. Minor	John W. Snider
Odie Duncan	S. Montgomery	Adam Spahn
J. R. Durham	John T. Murphy	R. C. Tartar
W. G. Gooch	B. F. McAtee	J. Wood Vance
Frank C. Greene	W. J. McMurray	J. D. Wills
J. M. Howell	C. B. Nichols	Louis E. Yewell

—42

Those who voted in the negative were—

Peter Ampler	W. B. Harvey	J. D. Pumphrey
H. F. S. Bailey	W. C. G. Hobbs	Lewis Ryans
G. G. Brashear	A. B. Holland	L. M. Smith
W. H. Brown	David J. Howard	Thomas Spurrier
E. Bullock	R. B. Jackson	Ed. D. Stone
A. S. Cooper	H. Clay Kauffman	J. W. Wall
James S. Cruse	Wm. J. Kuh	John S. Webb
Thomas A. Dover	Jacob Metzger	W. M. Webb
L. L. Embrey	G. B. Moores	Frank M. White
T. T. Gardner	E. B. McGlone	M. O. Wilson
Wm. Gearheart	L. T. Neat	E. G. Young
C. H. Grimes	A. J. Oliver	
J. S. Hall	W. A. Price	

—37

And so said motion was agreed to.

Mr. Hobbs moved that the debate be limited to ten speeches of fifteen minutes each.

The yeas and nays being taken on said motion were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	L. L. Embrey	S. Mazyck O'Brien
G. G. Brashear	W. G. Gooch	Geo. L. Pickett
Frank J. Brown	C. H. Grimes	A. B. Pieratt
E. Bullock	J. S. Hall	J. D. Pumphrey
Glover H. Cary	W. C. G. Hobbs	Richard Radcliffe
A. S. Cooper	J. M. Howell	D. S. Richardson
S. B. Coleman	R. B. Jackson	Joe Schneider
W. P. Cropper	T. R. Jones	L. M. Smith
R. T. Crowe	W. H. Jones	Claude B. Smith
James S. Cruse	W. T. Lasley	John W. Snider
H. C. Cummins	M. E. Lee	Adam Spahn
S. C. Dobbs	Dr. J. E. Lilly	Ed. D. Stone
Jas. R. Dorman	Jacob Metzger	W. M. Webb
W. E. Dowling	Claude D. Minor	Frank M. White
William Duffy	S. Montgomery	J. D. Wills
Odie Duncan	B. F. McAtee	M. O. Wilson
J. R. Durham	W. J. McMurray	Louis E. Yewell
J. M. Elliston	L. T. Neat	E. G. Young

—54

Those who voted in the negative were—

H. F. S. Bailey	David J. Howard	C. B. Nichols
W. B. Harvey	E. B. McGlone	Thomas Spurrier

—6

And so said motion was agreed to.

Mr. Hobbs moved that the vote by which his said motion was agreed to be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Greene moved that the session be extended indefinitely.

Said motion was agreed to.

Mr. J. S. Webb moved that this House do now adjourn.

A roll call being demanded by Messrs. W. M. Webb and Stone.

Speaker *Pro Tem.* Hutchcraft ruled that the demand for a roll call was purely dilatory and, therefore, out of order.

From this ruling of the chair the gentleman from Johnson stated that he would take an appeal and prepared his appeal in writing and sent the same to the clerk's desk.

Said appeal is as follows:

Comes W. M. Webb and A. J. Oliver and appeal from the decision of the chair wherein the chair rules that the demand for a roll call is dilatory.

W. M. WEBB,
A. J. OLIVER.

Mr. Hutchcraft vacated the chair.

Mr. Speaker Duffy resumed the chair.

The question then being taken on whether or not the House would sustain the said ruling of the Speaker *Pro Tem.* and the yeas and nays being demanded by Messrs. W. M. Webb and Oliver were as follows:

Those who voted in the affirmative were—

Peter Ampler	David J. Howard	W. A. Price
Frank J. Brown	J. M. Howell	J. D. Pumphrey
Glover H. Cary	Chas. L. Hunter	Richard Radcliffe
S. B. Coleman	J. M. Johnson	D. S. Richardson
W. P. Cropper	T. R. Jones	John T. Roach
R. T. Crowe	W. T. Lasley	Joe Schneider
H. C. Cummins	M. E. Lee	L. M. Smith
S. C. Dobbs	Dr. J. E. Lilly	E. D. Smith
Jas. R. Dorman	Dr. C. W. Mathers	Claude B. Smith
William Duffy	Claude D. Minor	John W. Snider
Odie Duncan	John T. Murphy	Adam Spahn
J. R. Durham	B. F. McAtee	R. C. Tartar
J. M. Elliston	W. J. McMurray	J. Wood Vance
T. T. Gardner	C. B. Nichols	J. D. Wills
W. G. Gooch	S. Mazyck O'Brien	Louis E. Yewell
W. B. Harvey	William A. Perry	E. G. Young
W. C. G. Hobbs	Geo. L. Pickett	
A. B. Holland	A. B. Pieratt	—52

Those who voted in the negative were—

H. F. S. Bailey	C. H. Grimes	A. J. Oliver
G. G. Brashear	J. S. Hall	Thomas Spurrier
W. H. Brown	R. B. Jackson	Ed. D. Stone
E. Bullock	W. H. Jones	J. H. Thompson
A. S. Cooper	H. Clay Kauffman	J. W. Wall
Thomas A. Dover	Jacob Metzger	John S. Webb
L. L. Embrey	S. Montgomery	W. M. Webb
Wm. Gearheart	E. B. McGlone	Frank M. White
Frank C. Greene	L. T. Neat	M. O. Wilson
		—27

And so the ruling of the chair was sustained.

Mr. Stone moved that said bill and pending amendments be tabled.

Said motion was disagreed to.

Mr. Wilson moved that this House do now adjourn.

Said motion was disagreed to.

Mr. Kauffman moved that this House do now adjourn.

The yeas and nays being called for on said motion by Messrs. W. M. Webb and J. S. Webb were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	A. B. Holland	John T. Roach
G. G. Brashear	R. B. Jackson	Lewis Ryans
W. H. Brown	J. M. Johnson	Joe Schneider
E. Bullock	T. R. Jones	Claude B. Smith
Glover H. Cary	H. Clay Kauffman	John W. Snider
A. S. Cooper	Wm. J. Kuh	Adam Spahn
W. P. Cropper	Jacob Metzger	Thomas Spurrier
R. T. Crowe	G. B. Moores	Ed. D. Stone
Thomas A. Dover	E. B. McGlone	J. H. Thompson
J. M. Elliston	L. T. Neat	J. Wood Vance
L. L. Embrey	C. B. Nichols	J. W. Wall
Wm. Gearheart	A. J. Oliver	John S. Webb
W. G. Gooch	William A. Perry	W. M. Webb
C. H. Grimes	Geo. L. Pickett	Frank M. White
W. B. Harvey	W. A. Price	M. O. Wilson
W. C. G. Hobbs	Richard Radcliffe	E. G. Young

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Those who voted in the negative were—

Peter Ampler	William Duffy	Chas. L. Hunter
Frank J. Brown	Odie Duncan	R.B.Hutchcraft,Jr.
S. B. Coleman	J. R. Durham	W. T. Lasley
H. C. Cummins	Frank C. Greene	Dr. J. E. Lilly
S. C. Dobbs	J. M. Howell	Dr. C. W. Mathers

Claude D. Minor	S. Mazyck O'Brien	E. D. Smith	
S. Montgomery	A. B. Pieratt	R. C. Tartar	
John T. Murphy	J. D. Pumphrey	J. D. Wills	
B. F. McAtee	D. S. Richardson	Louis E. Yewell	
W. J. McMurray	L. M. Smith		—29

And so said motion was agreed to.

And then the House adjourned.

SATURDAY, MARCH 11, 1916.

The House was opened with prayer by the Rev. Roger T. Nooe, pastor of the Christian Church of the City of Frankfort, Kentucky.

The reading of the House Journal of yesterday was dispensed with.

The following named persons appeared before the bar of the House and took the oath prescribed by law as assistant sergeants-at-arms of the House of Representatives, viz.:

Messrs. Sam Lykins, Thomas Larkin, George Farris, E. P. Burton, B. Williams, Carl Norman, Ernest Douglas and Frank H. Lussey.

In accordance with a motion made and carried on yesterday Mr. Speaker Duffy appointed the following members of the House as a Conference Committee to confer with a like Committee of the Senate on Senate Amendments proposed to House Bill 65, viz.:

Messrs. Murphy, Crowe and Gardner.

A message was received from the Senate announcing that they had passed a bill and resolution which originated in that body of the following titles, viz.:

S. B. 364. An act to amend Sub-section 12, Section 3290, Chapter 89, of the Kentucky Statutes, relating to the government of third class cities.

To the Committee on Municipalities.

S. Res. 25. Resolution creating a State Tax Commission and fixing its duties.

Said resolution reads as follows:

Resolution creating a State Tax Commission and fixing its duties.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created a commission to be known as the Kentucky Tax Commission, which shall be composed of seven members to be appointed by the Governor, four from the members of the present House of Representatives of the General Assembly and three from the members of the present Senate of the General Assembly, all of whom shall serve without compensation.

All of the members of said commission shall be persons familiar with revenue and taxation, and the laws relating thereto. Said commission shall meet within ten days after the adjournment of the present session of the General Assembly and organize by electing one of its members chairman and one of its members secretary.

The duties of said commission shall be to investigate the taxation methods of this and other States and to prepare a new law on revenue and taxation in conformity with the Constitution of this Commonwealth. Said commission may hold open sessions in different parts of the State, if deemed necessary, and grant hearings to tax-payers as may be demanded. Said commission shall have and is given authority to examine the records of all State, county, city and town officials for the purpose of securing information respecting the revenue and expense of such taxing authorities, and may require county, city and town assessors to supply information concerning the assessment of property and levying of taxes in their respective localities; also rates, dates and such other information affecting taxation, as may be necessary in framing a new revenue and taxation law.

The necessary expenses of said commission, or its members, in the actual performance of their duties as herein provided for shall be paid by the Commonwealth on the filing of sworn statements of same with the Governor who is authorized to order their payment by the State Auditor when approved by the Governor.

Said Commission shall make a written or printed report of its work, as well as a proposed new law on revenue and taxation, with comprehensive reasons for changing from the present law, and the probable income based on facts and figures to be clearly set forth in its report. When the commission shall have performed its duties and delivered its report to the Governor not later than October 15, 1916, or as soon thereafter as possible, the Governor shall decide as to the time the proposed new revenue and taxation law shall be submitted to the General Assembly at a special session to be called for the consideration of this measure only, or at the next ensuing regular session.

To the Committee on Revenue and Taxation.

A message was received from the Senate announcing that they had concurred in the amendments proposed by the House to the following bill which originated in the Senate, viz.:

S. B. 40. An act to provide an elective system of workmen's compensation for industrial accidents, prescribing the manner of election and the rights and liabilities of employers, employes and third parties; making provisions for medical and surgical care of injured employes; establishing rates of compensation for personal injury or death; providing methods of insuring and securing the payments of such compensation; making minors *sui juris* for certain purposes; creating a board to administer this act, prescribing the duties, powers and rights thereof and imposing a tax upon insurance premiums, also a tax on employers who carry their own risk for the maintenance of such board and providing a system of appeal to the courts from the decisions of such board; prescribing certain penalties, with an emergency clause, and appropriating certain sums to meet the expenses of putting this act into effect, and repealing all laws and parts of laws in conflict herewith, to the extent of such conflict.

Mr. Pumphrey moved that the House remain in continuous session until 3 o'clock today and when this House adjourns it be to meet again on Monday, March 13th, next, at 1 o'clock a. m.

Mr. Hobbs moved to amend said motion by remaining in continuous session until 6 o'clock this afternoon.

Said motion made by Mr. Hobbs was disagreed to.

Mr. Gardner moved to amend the motion made by Mr. Pumphrey by this House adjourning at 1 o'clock p. m. today

and reconvening at 2 o'clock and remaining in session until 5:30 p. m.

Said motion made by Mr. Gardner was disagreed to.

Said motion made by Mr. Pumphrey was agreed to.

Mr. Pumphrey moved that the vote by which said motion was agreed to be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a resolution of the following title, viz.:

S. Res. 28. Joint-resolution providing for payment of assistant for Printing Commissioner.

Said resolution reads as follows:

Joint resolution providing for payment of assistant for Printing Commissioner.

Whereas, during the session of the General Assembly it has been impossible for the Commissioner of Public Printing, unaided, to expeditiously look after the printing of bills and resolutions, and whereas, during all of the present session of this General Assembly he has had in his office a clerk, assisting him in said work; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Moses R. Glenn, Superintendent of Public Printing, be allowed the sum of $200.00 to be expended by him in pay-

ment of help in the care of all printed bills and other matters pertaining to printing during the present session of the General Assembly, said services when obtained to terminate when this General Assembly adjourns, and the Auditor of Public Accounts shall draw his warrant upon the Treasurer for payment of said sum.

Mr. Pumphrey moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	S. C. Dobbs	A. B. Holland
H. F. S. Bailey	Thomas A. Dover	David J. Howard
Chas. D. Bratcher	William Duffy	Chas. L. Hunter
Frank J. Brown	J. M. Elliston	J. M. Johnson
E. Bullock	T. T. Gardner	T. R. Jones
Henry A. Cannon	Wm. Gearheart	W. H. Jones
Glover H. Cary	W. G. Gooch	Wm. J. Kuh
A. S. Cooper	Frank C. Greene	W. T. Lasley
W. P. Cropper	C. H. Grimes	Dr. J. E. Lilly
James S. Cruse	W. B. Harvey	Dr. C. W. Mathers
H. C. Cummins	W. C. G. Hobbs	Jacob Metzger

Harry J. Meyers	A. B. Pieratt	Ed. D. Stone
S. Montgomery	W. A. Price	Bannie Tabor
G. B. Moores	J. D. Pumphrey	R. C. Tartar
John T. Murphy	Lewis Ryans	D. B. Tyra
B. F. McAtee	Joe Schneider	J. W. Wall
E. B. McGlone	L. M. Smith	John S. Webb
W. J. McMurray	E. D. Smith	W. M. Webb
C. B. Nichols	Claude B. Smith	Frank M. White
S. Mazyck O'Brien	John W. Snider	Louis E. Yewell
A. J. Oliver	Adam Spahn	E. G. Young
William A. Perry	Thomas Spurrier	—65

There voted in the negative—

J. D. Wills —1

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a resolution of the following title, viz.:

S. Res. 27. Resolution to pay for clerical and stenographic services rendered to the Department of Education since January 3, 1915, and appropriating money therefor.

Said resolution reads as follows, viz.:

Resolution to pay for clerical and stenographic services rendered to the Department of Education since January 3, 1916, and appropriating money therefor.

Whereas, the Superintendent of Public Instruction, believing that he was authorized by law to do so, on January 3, 1916, appointed Paul Meagher and Miss Nancy Cross to clerical positions, and A. L. Gilbert, Elizabeth Simpson, Wesley D. Embry, Virginia Watts and Mrs. Bettie Harris to stenographic positions in the Department of Education; and

Whereas, the said Paul Meagher, Nancy Cross, A. L. Gilbert, Elizabeth Simpson, Wesley D. Embry, Virginia Watts, and Mrs. Betty Harris pursuant to said appointment have rendered to the Department of Education faithful and necessary services since the 3rd day of January, 1916; and

Whereas, the Court of Appeals on the 9th day of February, 1916, rendered an opinion in which it was held that the superintendent was not authorized under the law to appoint and to pay said clerks and stenographers; therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Superintendent of Public Instruction be and he is hereby authorized and directed to draw his requisition upon the Auditor of Public Accounts for the sum of $1,604.16, and the Auditor of Public Accounts is hereby directed to draw his warrant upon the State Treasurer payable to the following persons and for the following amounts:

To Paul Meagher	$250.00
To Nancy Cross	250.00
To A. L. Gilbert	208.33
To Elizabeth Simpson	250.00
To Wesley D. Embry	208.33
To Virginia Watts	250.00
To Mrs. Betty Harris	187.50

The State Treasurer is hereby directed to pay said warrants, which shall be charged to and paid out of the common school fund. The amounts above specified are intended to be in full compensation to the above named persons for their services from the 3rd day of January, 1916, to and including March 18, 1916.

Mr. Pumphrey moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	James S. Cruse	David J. Howard
Geo. B. Barrett	H. C. Cummins	Chas. L. Hunter
C. H. Bays	S. C. Dobbs	T. R. Jones
Chas. D. Bratcher	J. M. Elliston	W. T. Lasley
Frank J. Brown	T. T. Gardner	Dr. J. E. Lilly
W. H. Brown	W. G. Gooch	Dr. C. W. Mathers
E. Bullock	C. H. Grimes	Jacob Metzger
Henry A. Cannon	J. S. Hall	Claude D. Minor
Glover H. Cary	W. B. Harvey	John T. Murphy
A. S. Cooper	W. C. G. Hobbs	B. F. McAtee
W. P. Cropper	A. B. Holland	E. B. McGlone

W. J. McMurray	John T. Roach	R. C. Tartar
C. B. Nichols	Joe Schneider	D. B. Tyra
S. Mazyck O'Brien	E. D. Smith	J. Wood Vance
A. J. Oliver	Claude B. Smith	John S. Webb
Geo. L. Pickett	John W. Snider	W. M. Webb
A. B. Pieratt	Adam Spahn	Frank M. White
J. D. Pumphrey	Ed. D. Stone	Louis E. Yewell
D. S. Richardson	Bannie Tabor	—56

Those who voted in the negative were—

Peter Ampler	J. M. Johnson	Harry J. Meyers
R. B. Jackson	W. R. Lyon	J. D. Wills
		—6

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called from the Committee on Codes of Practice, the Committee on Kentucky Statutes, the Committee on Agriculture, the Committee on Municipalities, the Committee on Kentucky Statutes, the Committee on Banks and Banking, the Committee on Municipalities, the Committee on State Fair, the Committee on Kentucky Statutes, the Committee on Rules, the Committee on Tuberculosis, the Committee on Public Ditches and Fences, the Committee on Kentucky Statutes, the Committee on Municipalities, the Committee on Revenue and Taxation, the Committee on Criminal Law, the Committee on Education, the Committee on Circuit Courts, the Committee on Appropriations, the Committee on Fish and Game, the Committee on Banks and Banking, the Committee on Cities of the Fifth

and Sixth Class, the Committee on Public Roads and Highways, the Committee on Appropriations, the Committee on Education, the Committee on Corporate Institutions, the Committee on Kentucky Statutes, the Committee on Agriculture, the Committee on Charitable Institutions, the Committee on Kentucky Statutes, the Committee on Public Utilities, the Committee on Education, the Committee on Rules, the Committee on Revenue and Taxation, the Committee on Education and the Committee on Municipalities, bills of the following numbers, viz.: S. B. 247, S. B. 109, S. B. 354, S. B. 9, S. B. 346, S. B. 83, S. B. 273, S. B. 206, S. B. 259, S. B. 311, S. B. 279, S. B. 327, S. B. 277, S. B. 300, S. B. 310, S. B. 251, S. B. 117, S. B. 189, S. B. 11, S. B. 181, S. B. 193, S. B. 318, S. B. 61, S. B. 100, S. B. 183, S. B. 293, S. B. 255, S. B. 240, S. B. 229, S. B. 211, S. B. 180, S. B. 294, S. B. 323, S. B. 337, S. B. 343, S. B. 364, S. B. 283, S. B. 128, and S. B. 299, which bills were reported by the chairmen of the respective committees as follows:

By Mr. Oliver, of the Committee on Codes of Practice.

S. B. 247. An act to amend Section 93 of the Civil Code of Practice.

By Mr. Kauffman, of the Committee on Kentucky Statutes:

S. B. 109. An act to amend and re-enact Sub-sections 2, 4, 5, 8 and 10 of Section 3727a, Kentucky Statutes, 1915 Edition.

By Mr. Gardner, of the Committee on Agriculture:

S. B. 354. An act to regulate the printing of reports in the Department of Agriculture, Labor and Statistics.

By Mr. Hobbs, of the Committee on Municipalities:

S. B. 9. An act to amend Section 69 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, relating to public improvements.

By Mr. Kauffman, of the Committee on Kentucky Statutes:

S. B. 346. An act providing for the formation and carrying on of co-operative associations and providing for the rights, liabilities and duties of the same, and making it unlawful for anyone to use the title "Co-operative" as part of its or his or their business name or title unless such person or corporation or company has complied with the provisions of this act.

By Mr. Cary, of the Committee on Banks and Banking:

S. B. 83. An act to amend "An act to amend Section 612a of the Kentucky Statutes relative to banks and trust companies, and to re-enact the same as amended," approved March the 24th, 1906, and being Section 612a, Kentucky Statutes, Carroll's Edition.

By Mr. Hobbs, of the Committee on Municipalities:

S. B. 273. An act authorizing the Commissioner of the Sinking Fund of Kentucky to sell and convey to the Frankfort Water Company, of Frankfort, Kentucky, two small parcels of land in Franklin county, Kentucky, lying below the brow of the hill on the west side of the Frankfort and Lawrenceburg turnpike road, on each side of and adjoining the pumping station property of said company near the city of Frankfort, and to fix the price to be paid therefor and the time of making, and the terms upon which said sale shall be made.

By Mr. Dorman, of the Committee on State Fair:

S. B. 206. An act to give the Commissioner of Agriculture, Labor and Statistics the power to properly police the Kentucky State Fair grounds.

By Mr. Kauffman, of the Committee on Kentucky Statutes:

S. B. 259. An act to amend Section 552 of the Kentucky Statutes, being Section 13 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

By Mr. Pumphrey, of the Committee on Rules.

S. B. 311. An act to amend Section 2156 of the Kentucky Statutes, under Chapter 67, entitled "Idiots and Lunatics."

By Mr. Lilly, of the Committee on Tuberculosis:

S. B. 279. An act to amend an act entitled, "An act concerning tuberculosis and creating a Tuberculosis Commission."

Mr. Yewell, of the Committee on Public Ditches and Fences:

S. B. 327. An act relating to drainage.

Mr. T. R. Jones, of the Committee on Pure Food:

S. B. 277. An act to regulate the sale, furnishing, and use of wood alcohol or wood naphtha, providing for its labeling, and providing penalties for violation thereof.

By Mr. Kauffman, of the Committee on Kentucky Statutes:

S. B. 300. An act to permit P. F. Edwards to sue the State of Kentucky.

By Mr. Hobbs, of the Committee on Municipalities:

S. B. 310. An act creating and relating to the office of County Road Engineer in counties containing more than 200,000 population, and providing for his term of office, qualifications, assistants and compensation and repealing all laws in conflict herewith.

By Mr. Perry, of the Committee on Revenue and Taxation:

S. B. 251. An act to amend Section 496 of Kentucky Statutes (Carroll's Edition), providing for the recording of deeds and mortgages and re-enacting same.

By Mr. Howard, of the Committee on Criminal Law:

S. B. 117. An act to amend and re-enact Section 1243 of Kentucky Statutes relating to offense of petit larceny.

By Mr. White, of the Committee on Education:

S. B. 189. An act to amend and re-enact Section 14 of Chapter 469 of the Acts of 1882, the same being an act entitled, "An act to provide for the reorganization, maintenance and supervision of common schools in the town of Catlettsburg and vicinity," approved March 18, 1882, by striking from Section fourteen (14) of said act the words "to issue bonds and assume indebtedness to the extent permitted and in the manner provided by Sections one hundred and fifty-

seven (157) and one hundred and fifty-eight (158) of the present Constitution of this State."

By Mr. L. M. Smith, of the Committee on Circuit Courts:

S. B. 11. An act to regulate the holding of the terms of the Circuit Court in the Thirty-fourth Judicial District.

By Mr. Minor, of the Committee on Appropriations:

S. B. 181. An act appropriating money for the repairs for the colored wards for the Eastern State Hospital at Lexington, Ky.

By Mr. Joe Schneider, of the Committee on Fish and Game:

S. B. 193. An act regulating trapping and for the protection of fur-bearing animals, and providing penalties for violations of act.

By Mr. Cary, of the Committee on Banks and Banking:

S. B. 318. An act to amend an act entitled, "An act to amend an act entitled, 'An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrants shall be paid,' approved May 8, 1897, by repealing said act and enacting a substitute therefor," which was neither approved nor disapproved by the Governor, being Chapter 72 of the Acts of 1910, and to amend an act entitled, "An act to amend Section 3 of Chapter 72 of the Acts of 1910," approved by the Governor on March 17, 1914, being Chapter 27 of the Acts of 1914, by repealing both of said acts and enacting a substitute therefor.

By Mr. McAtee, of the Committee on Cities of the Fifth and Sixth Class:

S. B. 61. An act to amend Section 3710, Kentucky Statutes, Carroll's Edition 1915, relating to judicial department of towns of the sixth class.

By Mr. Coleman, of the Committee on Public Roads and Highways:

S. B. 100. An act to provide for the construction and reconstruction and maintenance of through main routes of travel.

By Mr. Coleman, of the Committee on Public Roads and Highways:

S. B. 183. An act to amend Sections 8, 21 and 23 of Chapter 80, Acts 1914, concerning public roads.

By Mr. Minor, of the Committee on Appropriations:

S. B. 293. An act to amend and re-enact Chapter 31 of the published Acts of 1910, which is "An act providing and appropriating money for a contingent fund for the use of the Governor of this Commonwealth," and which was approved by the Governor March 19, 1910.

By Mr. White, of the Committee on Education:

S. B. 255. An act to promote temperance in the State.

By Mr. Lasley, of the Committee on Corporate Institutions:

S. B. 240. An act to require corporations, etc., to redeem script in lawful money.

By Mr. Kauffman, of the Committee on Kentucky Statutes:

S. B. 229. An act to amend Section 4471, Chapter 113, Article X., Kentucky Statutes, Carroll's Edition 1915, by adding the following words:

"Provided, that if said remaining members of the board cannot elect another member or a tie vote between said members should occur, then, in either event, it shall be the duty of the county judge to cast the deciding vote."

By Mr. Gardner, of the Committee on Agriculture:

S. B. 211. An act to prohibit the running at large of any male stock of certain species.

By Mr. Mathers, of the Committee on Charitable Institutions:

S. B. 180. An act appropriating money to erect a congregate dining-room and new kitchen and construct a sewage disposal plant at Central State Hospital, Lakeland, Kentucky.

By Mr. Kauffman, of the Committee on Kentucky Statutes:

S. B. 294. An act to repeal and re-enact Sections 556, 769, 770 and 771 Kentucky Statutes, Edition 1915, relating to corporations.

By Mr. Kauffman, of the Committee on Kentucky Statutes:

S. B. 323. An act to prevent any person who obtains a

divorce from the bonds of matrimony in this State from marrying within one year after such divorce is granted.

By Mr. Spahn, of the Committee on Public Utilities:

S. B. 337. An act to convey to Hart county the interest of the State of Kentucky in the Rio Bridge Company, a corporation.

By Mr. White, of the Committee on Education:

S. B. 343. An act for the benefit of West Kentucky Industrial College.

By Mr. Pumphrey, of the Committee on Rules:

S. B. 364. An act to amend Sub-section 12, Section 3290, Chapter 89, of the Kentucky Statutes, relating to the government of third class cities.

By Mr. Perry, of the Committee on Revenue and Taxation:

S. B. 283. An act to require all conveyances of real property to state therein the true consideration, and providing a penalty for a violation of this act.

By Mr. White, of the Committee on Education:

S. B. 128. An act requiring the County Superintendents of each county to publish in a county paper published in the county the settlements made with the county judges, as provided by Section 4409, Kentucky Statutes (Carroll's Edition), which publication must contain a statement of all moneys received from every source, for what paid, to whom paid and what amounts remain in their hands.

By Mr. Hobbs, of the Committee on Municipalities:

S. B. 299. An act concerning loan and investment companies in cities of the first and second class, defining same, providing for the incorporation, powers, supervision and control of such companies.

Said bills were severally read the first time and ordered to be placed in the calendar.

The House then took up for consideration from the calendar bills of the following titles, viz.:

S. B. 158. An act to require street car companies and others operating street cars upon the streets of any city of the first class in the Commonwealth, to furnish separate cars or divisions of cars, or other suitable provisions for the separation of white and colored passengers, and providing punishment for violations hereof.

S. B. 119. An act relating to and regulating the sanitary conditions of foods; to provide for inspection, and creating penalties for the violation thereof.

S. B. 314. An act to amend an act entitled, "An act to amend Section 4645a of the Kentucky Statutes (Carroll's Edition 1909), increasing the salary of the stenographer to the Governor.

S. B. 217. An act authorizing the Commonwealth of Kentucky to pay the indebtedness created against the property of the Western Normal School by the provisions of Section 4535c, Kentucky Statutes, and authorizing the Board of Regents of said school to pay a part of said indebtedness out of the annual appropriation made for the support of said school, and appropriating money for said purpose.

S. B. 248. An act to amend and re-enact Section 1486, Carroll's Edition, of the Kentucky Statutes of 1915, entitled, "Registration in certain cities and towns."

S. B. 359. An act repealing the charter of Fairview, incorporated under act February 6, 1846.

By Mr. Perry, of the Committee on Revenue and Taxation:

S. B. 66. An act to change the date for the payment of State, county and district taxes.

H. B. 549. An act requiring the Librarian to furnish counties laws and reports of the Court of Appeals where such laws and reports have been destroyed by fire.

S. B. 96. An act to prohibit the buying or selling of patients by physicians or surgeons or other persons and defining what shall constitute the buying or selling of patients, and fixing the punishment for violation of this act.

S. B. 250. An act to amend Section 538 of the Kentucky Statutes.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were read the second time by their titles, and ordered to be placed in the orders of the day.

Mr. Pumphrey, of the Committee on Rules, called up for consideration the unfinished business of yesterday, to-wit:

H. B. 556. An act to amend and re-enact chapter 23a, section 418a, Kentucky Statutes, Carroll's edition, 1915, which is an Act of 1912 dividing the State of Kentucky into eleven congressional districts.

(For said bill and amendments see House Journal of March 10th.)

Mr. Brashear offered the following amendment to said bill, viz.:

To amend House Bill 556 by striking out the word "and" in line 24 and adding "and Pulaski," after the word "Spencer," also striking the word "Pulaski" from line 34.

Mr. Oliver moved that House Bill 556 with all amendments be laid on the table.

The yeas and nays being called for on said motion to table by Messrs. Oliver and Spahn were as follows, viz.:

Those who voted in the affirmative were—

C. H. Bays
Chas. D. Bratcher
G. G. Brashear
W. H. Brown
E. Bullock
Henry A. Cannon
A. S. Cooper
W. P. Cropper
R. T. Crowe
James S. Cruse
Thomas A. Dover
L. L. Embrey
T. T. Gardner
Wm. Gearheart
Frank C. Greene
C. H. Grimes
W. B. Harvey
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
R. B. Jackson
W. H. Jones
H. Clay Kauffman
Wm. J. Kuh
M. E. Lee
Dr. J. E. Lilly
W. R. Lyon
Jacob Metzger
Harry J. Meyers
Claude D. Minor
S. Montgomery
G. B. Moores
E. B. McGlone
L. T. Neat
C. B. Nichols
S. Mazyck O'Brien
A. J. Oliver
Geo. L. Pickett
W. A. Price
Harry P. Purnell
D. S. Richardson
John T. Roach
Lewis Ryans
Joe Schneider
E. D. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Thomas Spurrier
Ed. D. Stone
Bannie Tabor
Robt. R. Treadway
J. W. Wall
John S. Webb
W. M. Webb
Frank M. White
Louis E. Yewell
E. G. Young
—59

Those who voted in the negative were—

Frank J. Brown	B. F. McAtee	-	R. C. Tartar
H. C. Cummins	A. B. Pieratt		J. D. Wills
S. C. Dobbs	J. D. Pumphrey		—8

And so said motion was agreed to.

Mr. Pumphrey moved that the vote by which said bill and amendments was laid on the table be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

S. B. 322. An act creating the State Insurance Board, to supervise the operation of fire insurance rate making bureaus and providing for their examination, prohibiting rebating and discrimination in fixing and collecting fire insurance rates; requiring companies to maintain and co-operate in maintaining and operating rate-making bureaus; requiring inspection and survey by such bureaus of all risks specifically rated, and regulating agreements between insurance companies and their insurers with respect to fixing and collecting fire insurance rates; prescribing the powers of fire insurance companies; providing for agents' license and qualifications; protecting against fire insurance in unauthorized companies; providing for the prevention of fire waste and for the establishment of the office of State Fire Marshal; fixing salaries and expenditures and prescribing duties; prohibiting over-insurance; providing for, organizing and regulating certain kinds of insurance upon the mutual, reciprocal or inter-insurance plan; empowering corporations to participate therein; providing penalties for vio-

lation; providing conditions under which insurance may be effected upon the Lloyd's plan, and penalty for violation thereof, and repealing existing statutes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created a board, to be known as the "State Insurance Board," which shall be composed of the Inurance Commissioner, who, in addition to his duties now imposed by law, shall act as secretary thereof, and two other members, who shall be citizens of this Commonwealth, and be at least twenty-five (25) years of age, to be appointed by the Auditor of Public Accounts, one of whom shall be chairman of the board. The Auditor shall appoint two members for a term of four (4) years, subject to his right to remove them at any time. The board so constituted shall exercise all of the powers and duties and be charged with all the responsibilities embraced in this act, and shall have the power to decide all questions required, authorized or permitted to be passed upon, or incidental to the powers herein conferred. The members of said board, other than the Insurance Commissioner, shall each receive a salary of three thousand dollars ($3,000.00) per annum. The Insurance Commissioner, for the duties imposed hereby, shall receive six hundred dollars ($600.00) per annum in addition to other compensation received by him. The necessary printing for the Department of Insurance and the Rating Board, as well as the Fire Marshal, shall be done in the same way as other printing for the State.

§ 2. The Attorney General shall appoint an attorney, who shall hold office during his pleasure, and shall fix his compensation, which shall not exceed the sum of three thou-

sand ($3,000.00) dollars annually. The appointment, removal and compensation of said attorney shall be subject to the approval of the Governor. Said attorney shall represent said board in all legal matters. The board shall employ clerical help, experts, inspectors and all such other assistants and fix their compensation, and may incur such other expenses as may be necessary in the performance of their duties. The salaries and all necessary expenses of the members of said board and of its attorney, and the salaries and necessary expenses of all employes and all other expenses shall be paid out of the insurance fund by warrant of the Auditor upon voucher signed by the chairman and countersigned by the secretary of said board. The total of all such salaries and expenses is hereby limited to a sum equal to one-half per centum upon taxable premiums of fire insurance companies other than domestic companies upon which taxes are paid to the Commonwealth which shall be in addition to the two per centum provided for by law. The offices of said board are fixed in the same offices as those of the commissioner and all of the records shall be kept therein. Regular meetings of the board shall be held in said offices at two stated times in each month and at other times as ordered by the board, and special meetings may be held at such times and places as the board may determine. The clerical force of said board and said commissioner shall be jointly employed and their services be used for the work of both of said offices. There shall also be paid twelve thousand eight hundred dollars to secure the clerical force and acturial assistance necessary to the discharge of all of the duties devolving by law on the insurance department proper or on the commissioner. The salaries and expenses provided for shall be paid monthly out of the insurance fund in the same manner as other salaries and expenses are paid by warrant of the Auditor upon vouchers signed by the commissioner.

§ 3. The board shall make an annual report to the Auditor, which shall be printed with the annual report of the Insurance Commissioner.

§ 4. Every fire insurance company authorized to effect insurance against the risk of loss or damage by fire in this Commonwealth shall, before being permitted to write fire insurance in this Commonwealth, be a member of, or maintain a rating bureau, and no such insurer shall be a member of more than one rating bureau for the purpose of rating the same risk against the same hazard. A rating bureau may consist of one or more insurers, and when consisting of two or more insurers shall admit to membership any fire insurance company authorized to do business within this Commonwealth applying therefor. The expenses of the bureau shall be shared in proportion to the gross premiums received by each member during the preceding year in this Commonwealth upon the business rated by such bureau (exclusive of premiums from insurance upon farm property which is not rated by schedule), deducting premiums returned on policies not taken or cancelled, and returns or dividends on mutual or participating policies, to which may be added a reasonable fee, which shall not exceed fifty dollars ($50.00). Each member shall have one vote. Every bureau shall maintain an office within the United States, and every fire insurance company or other insurer aforesaid shall in its annual application for license specify each rating bureau making rates upon property located within this State of which it is a member, and during the year file written notices of any other such rating bureau of which it shall become a member.

§ 5. Every rating bureau or other insurer engaged in making rates or estimates for rates for fire insurance on property in this Commonwealth shall inspect every risk specifically rated by it upon schedule and make a written

survey of such risk which shall be filed as a permanent record in the office of such bureau or insurer. Upon the making of any survey the bureau shall promptly furnish to the owner a statement of the rate and of the removable defects found, with suggestions for improvements and the removing of such defects. A copy of such survey shall be furnished to the insured or his authorized agent upon request.

§ 6. Said board may address inquiries to any individual, association or bureau, which is, or has been, engaged in making rates or estimates for rates for fire insurance upon property in this Commonwealth, in relation to the organization, maintenance or operation, or any other matter connected with its transactions, and may require the filing of schedules, rates, forms, rules, regulations and such other information as may be required, and it shall be the duty of every such individual, association or bureau, or some officer thereof, promptly to make such filing or reply to such inquiries in writing. Provided, surveys or complete schedules may be required to be copied and delivered to said board only in so far as may be necessary to determine the existence or extent of discrimination claimed by a property owner to exist as to his property.

§ 7. The board shall have power to examine any such rating bureau as often as it deems expedient to do so, and shall do so not less than once every two years. A report thereof shall be filed in the office of the said board. The board may waive such examination when one has been made by some other insurance department or proper supervising officer within such three years. A statement with regard to each such examination shall be made in the annual report of the board.

§ 8. No fire insurance company or other insurer against the risk of fire, nor any rating bureau, shall fix or

charge any rate for fire insurance upon property in this Commonwealth which discriminates unfairly between risks in the application of like charges and credits, or which discriminates unfairly between risks of essentially the same hazards, and having substantially the same degree of protection against fire.

§ 9. Any deviation by any company or insurer from the schedule of rates established and maintained by the bureau which it maintains or of which it is a member, shall be uniform in its application to all of the risks in the class for whch the variation is made, and no such deviation shall be made unless the same is uniform and unless notice thereof shall be filed with the bureau of which the insurer is a member and with the board at least fifteen (15) days before such variation is in effect. Except as contained in the policy and the usual contract for other insurance, no insurance company or insurer or rating bureau shall make any contract or agreement with any person insured or to be insured that the whole or any part of the insurance shall be written by, or placed with any particular company, insurer, agent or group of companies, insurers or agents.

§ 10. The said board is hereby empowered upon written complaint or upon its own information that any rate discriminates unfairly between risks in the application of like charges and credits or discriminates unfairly between risks of essentially the same hazards and having substantially the same degree of protection against fire, to order a hearing for the purpose of determining such question of discrimination. The review of such rate before said board shall be had only after due notice to all parties interested. If upon such hearing the board shall determine that such discrimination exists, it shall have power to order such discrimination removed.

§ 11. The board shall, upon written complaint or upon its own motion, have power to investigate the necessity for a reduction of rates, and upon investigation, shall have power to order such reduction if the result of the business of the stock fire insurance companies, in this Commonwealth, for five years next preceding said investigation shows that there has been an aggregate profit in excess of a reasonable amount, but in no event shall said board have power to order any reduction in rates in this Commonwealth which will prevent a reasonable aggregate profit to the stock fire insurance companies licensed therein. Any reduction ordered by said board shall be applied to such class as may be determined by the companies or rating bureau, or bureaus, subject, however, to the approval of said board. The term "Stock Fire Insurance Companies" as used in this section shall include stock fire insurance corporations, Lloyd's and all other fire insurance organizations operated for profit. In determining the question of reasonable profits, under this section, the board shall give proper and reasonable consideration to the losses and liabilities both within and without this Commonwealth. Provided that no rate on property in this Commonwealth shall during the two years following the date on which this law becomes operative be increased above the rate in force on the first day of December, 1915, unless since said day there has been an increase in the hazard as to such property, and then such increase in the rate shall correspond only with the increase in the hazard. No such rate shall be reduced by the order of the board during said period, but rates may be reduced by the rating bureau or bureaus. This provision shall not affect the jurisdiction of the board under the provisions of sections 9 and 10 of this act to order the removal of discrimination as to new risk or risks rerated on a change of hazard. Provided, that the schedules and tables for rating unprotected mercantile risks and the term rule filed in December, 1915, may be applied. The board may order a reduction in rates produced by the application of

the said term rule and unprotected mercantile schedules in unprotected cities and towns if such rates are considered by the board to be unreasonable or discriminatory, and any such order shall be in writing, and any insurance company or rating bureau interested may within thirty days after receipt of such order, institute appropriate proceedings for a review of such order in any court of competent jurisdiction, but the rate or rates so fixed by the insurance company or rating bureau shall be effective and operative until the final conclusion of such action.

§ 12. No fire insurance company and no rating bureau or any representative of any fire insurance company or other insurer or rating bureau, shall enter into or act upon any agreement with regard to the making, fixing or collecting of any rate for fire insurance upon any property within this Commonwealth, except in compliance with this section; but any agreement may be made and enforced; provided the same be not contrary to law or public policy, and be in writing, and prior to its taking effect, a copy thereof be filed with the board and with each rating bureau of which any of the parties thereto shall be a member or subscriber. The board may, after due notice and hearing upon complaint or upon its own motion, make an order disapproving any such agreement which does not conform to the provisions of this section, and no such agreement shall be in force nor shall any right be based thereon after service of a copy of such order upon each of the parties to such agreement, and upon each bureau with which such agreement is required to be filed.

Any order made by the board shall be subject to court review and the board may institute action in any circuit court having jurisdiction to compel any company or bureau to obey any order promulgated by the board.

§ 13. Any corporation or individual violating any of

the provisions of the foregoing sections shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00.)

§ 14. Before a license is issued to any insurance agent, other than a renewal of an existing license, the company shall file with the Insurance Commissioner, with the application for such agent's license, a statement signed by the proposed agent on a form prescribed and furnished by the commissioner, that he will not rebate any part of the premium or commission or offer any valuable consideration as an inducement to take insurance other than that clearly expressed in the policy, and if he signs policies, that he will maintain an office within this Commonwealth and keep therein at all times a complete, permanent record of all applications for and policies of insurance placed by or through him and will not sign any policies in blank to be issued outside of his office, which statement shall also contain such other information as may be required by the commissioner. Such license shall not be issued until the commissioner shall satisfy himself that such proposed agent intends to hold himself out in good faith as an insurance agent, is a person of good moral character, and a proper person to be so licensed, and if the application is for a license as an agent for a stock fire insurance company that he is a bona fide resident of this Commonwealth.

§ 15. Whenever the Commissioner shall, after due notice and hearing find that an agent has wilfully overinsured any property in this Commonwealth, or has wilfully misrepresented any policy of insurance, or has dealt unjustly with or wilfully deceived any person with regard to an insurance policy, or has failed or refused upon demand to pay over to any company he represents or has represented any money coming into his hands belonging to such company, or has wilfully failed to conform to the representations made in the statement filed with the application for his license, or has

wilfully violated any provision of the insurance law, the commissioner shall by written order suspend, for a period of ninety (90) days, the license of such agent for all companies which he represents. For a second violation by the same agent, the commissioner shall revoke all licenses held by said agent and no license shall thereafter issue to said agent until the expiration of twelve months immediately following.

§ 16. The licenes of every insurance agent shall expire on the first day of March in each year, and shall be renewed annually on application by the company and payment of the fee required by law; provided, that no such license shall be renewed to an agent for a stock fire insurance company unless he is a bona fide resident of this Commonwealth, and that no license shall be renewed after the year 1916, unless the agent seeking such renewal shall have filed with the commissioner a statement conforming to section 15 and one such statement shall serve for a renewal of all licenses held by such agent.

§ 17. No person shall do or perform any act as an insurance agent or advertise or hold himself out as such agent without holding a license in force as provided in this act; provided, that there shall be no license fee charged for licenses to agents of domestic companies.

§ 18. No insurance company nor any agent thereof shall make any contract or agreement with reference to any insurance other than is plainly expressed in the policy.

§ 19. No insurance company nor any agent, in connection with placing or attempting to place insurance, shall pay, allow or give, or offer to pay, allow or give, nor shall any person receive any rebate of premium on a policy, or any special advantage in dividends or other benefits, paid employment or contract for services, or any valuable con-

sideration, or inducement whatever, not specified in the policy, or give, sell or purchase, or offer to give, sell or purchase in connection with placing or attempting to place insurance, anything of value whatsoever not specified in the policy.

Provided, this section shall not prevent (1) a licensed agent of this Commonwealth from dividing commissions with any agent of this Commonwealth licensed to write the same kind of insurance, or with a non-resident insurance agent or any authorized insurance company as to the insurance upon property owned by non-residents or upon property located outside of this Commonwealth; (2) the distribution of savings, earnings or surplus uniformly among a class of policyholders; (3) the furnishing or information, advice or services for the purpose of reducing the loss or liability to loss.

Notwithstanding any violation of this section, the policy shall be valid, but the insured having knowingly and wilfully violated any provision of this section shall suffer such proportionate reduction in any recovery on the policy as the value of the rebate bears to the premium on the policy. Such reduction shall be paid by the company into the State School Fund.

§ 20. No insurance company shall write, place or cause to be written or placed, any policy or contract for direct insurance upon any property in this Commonwealth, except through an agent, licensed in this Commonwealth.

This section shall not apply to policies covering property in transit while in the custody of any common carrier, or to rolling stock or other property of any common carrier used and employed by it as a common carrier of freight or passengers; nor to policies of mutual insurance companies

or inter-insurance associations on which no commissions are paid except to a home office manager or attorney in fact.

§ 21. No unauthorized insurance company shall hereafter make, or issue, directly or indirectly, any policy or contract of insurance upon property in this Commonwealth.

Any officer, agent, solicitor, broker, inspector, adjuster or employe of any unauthorized insurance company, or any agent, broker or other representative of the owner of property in this Commonwealth, or any adjuster, agent or person who shall take or receive any application for insurance upon property in this Commonwealth, or receive or collect a premium or any part thereof for any unauthorized insurance company, or adjust any loss thereon, or make any inspection thereof, or shall attempt or assist in any such act, or perform any act in this Commonwealth relating to or concerning any policy or contract of insurance of any unauthorized insurance company shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or by imprisonment in the State penitentiary for not exceeding one year, or by both such fine and imprisonment, but the contract of insurance shall nevertheless be enforcible.

§ 22. That insurance companies that take fire or storm risks on real property in this Commonwealth shall, on all policies issued after this act takes effect (in case of total loss thereof by fire or storm), be liable for the full estimated value of the property insured, as the value thereof is fixed in the face of the policy; and in cases of partial loss of the property insured, the liability of the company shall not exceed the actual loss of the party insured; Provided, that the estimated value of the property insured may be diminished to the extent of any depreciation in the value of the property occurring between the dates of the policy and the loss; and

Provided further, that the insured shall be liable for any fraud he may practice in fixing the value of the property, if the company be misled thereby.

Provided, that the provisions of this section shall not be applicable to policies containing the co-insurance clause as authorized herein. It shall be lawful for corporations, firms or individuals doing a fire insurance business in this State to contract with the assured that the assured shall during the life of such contract, maintain insurance upon the property insured to the extent of an agreed proportion of the actual cash value of the property at the time that a fire occurs, and that should the assured fail to do so, the assured shall be a co-insurer to the extent that the insurance then in force is less than the amount of such agreed proportion, and to that extent shall as such co-insurer bear his part of any loss.

Provided, however, that the acceptance of such contract shall be at the option of the assured and that a reduced rate shall be given when such clause is used. No such provision shall be valid unless the filing back of the policy be endorsed, the blanks being properly filled in: "Rate reduced from $..... to $....., per $100.00 insurance in consideration of co-insurance clause making owner bear partial loss of ..... per centum or less in proportion insurance is less than such ..... per centum of value at time of fire;" provided further that both the insurer and the insured shall sign the agreement provided herein.

§ 23. Any corporation or association, or aggregation of individuals, authorized by law to do the business of fire insurance in this Commonwealth, may insure against loss or damage to property and loss of use and occupancy by fire, lightning, hail, tempest, earthquake, frost, or snow, explosion, fire ensuing, explosion, no fire ensuing, except explosion by steam boilers or fly wheels, against loss or damage by

water caused by the breakage or leakage of sprinklers, pumps or other apparatus, water pipes, plumbing or their fixtures, erected for extinguishing fires, and against accidental injury to such sprinklers, pumps, other apparatus, water pipes, plumbing or fixtures; against the risk of inland transportation and navigation upon vessels, freights, goods, money, effects, and money loaned on bottomry or respondentia; against the perils of the sea and other perils usually insured against by marine insurance; upon automobiles, whether stationary or operated under their own power against loss or damage by any of the causes or risks mentioned herein, including also transportation, collision, liability for damage to property resulting from owning, maintaining, or using automobiles and including burglary and theft, but not including loss or damage by reason of bodily injury to the person.

§ 24. That any number of persons, not less than twenty, a majority of whom shall be bona fide residents of this Commonwealth, by complying with the provisions of this section, may become, together with others who may hereafter be associated with them or their successors, a body corporate, for the purpose of carrying on the business of mutual insurance as herein provided.

2. Any persons proposing to form any such corporation shall subscribe and certify to articles of association specifying:

(a) The name, the purpose for which formed, location of its principal or home office, which shall be within the Commonwealth.

(b) The names and addresses of those composing the board of directors in which the management shall be vested until the first meeting of members.

(c) The name and place of residence of the incorporators.

3. The articles of association of each such corporation shall be submitted to the Insurance Commissioner for his approval and, if prepared in accordance with this section, he shall approve the same, and such articles shall be filed with the Insurance Commissioner.

4. The name of every such corporation shall contain the word "Mutual," and shall end with the word "Company," "Corporation," or "Incorporated."

5. No such name shall be adopted by such corporation which is so similar to any name already in use by any such existing corporation, company or association, organized or doing business in the United States, as to be confusing or misleading.

6. The corporation shall have legal existence subject to the limitations prescribed in this section, from the approval and filing of such articles, and the original incorporators may adopt by-laws, which thereupon shall be filed with the Insurance Commissioner.

7. Any corporation organized under the provisions of this section is empowered and authorized to make contracts of insurance or to reinsure or accept reinsurance on any portion thereof, for the kinds of insurance as follows:

(a) To make insurance of the kind described in section 23.

(b) Disability Insurance.—Against bodily injury or death by accident, and disability by sickness.

(c) Liability Insurance.—Against loss, expense or li-

ability by reason of bodily injury or death by accident, disability, sickness or disease suffered by others for which the insured may be liable or have assumed liability, including workmen's compensation.

(d) Fidelity Insurance.—To guarantee the fidelity of persons in positions of trust, public or private, and to act as surety on official bonds, and to guarantee the performance of contracts and obligations, other than insurance policies, mortgages and trust deeds.

(e) Title Insurance.—Against loss or damage on account of encumbrances upon or defects in title to real property and against loss by reason of the non-payment of principal and interest of bonds and mortgages, and to examine titles of real and personal property and to furnish information relative thereto.

(f) Plate Glass Insurance.—Upon glass against breakage.

(g) Steam Boiler Insurance.—Against loss or liability to persons or property resulting from explosions or accidents to boilers, containers, pipes, engines, fly wheels, elevators and machinery in connection therewith, and against loss of use and occupancy caused thereby, and to make inspections and issue certificates of inspection thereon.

(h) Burglary Insurance.—Against loss or damage by burglary, theft or housebreaking.

(i) Live Stock Insurance.—Against loss or damage by theft, injury, sickness or death of animals, and to furnish veterinary services.

(j) Automobile Insurance.—Against loss, expense

and liability resulting from the ownership, maintenance or use of any automobile or other vehicle.

(k) Use and Occupancy Insurance.—Against loss from interruption of trade or business which may be the result of any accident or casualty.

8. Any mutual corporation authorized to transact the kind of insurance described under paragraph (a) of subsection 7, shall not be authorized to transact any of the kinds of insurance described under paragraphs b, c, d, e, f, g, h, i, j, and k, of subsection 7; nor shall any mutual corporation authorized to transact any of the kinds of insurance described under paragraphs b, c, d, e, f, g, h, i, j, and k of subsection 7, be authorized to transact the kind of insurance described under paragraph (a) of subsection 7. Any mutual corporation authorized to transact any of the kinds of insurance described under paragraphs b, c, d, e, f, g, h, i, j, and k of subsection 7, may be authorized to transact any or all of the additional kinds described under said paragraphs, providing it holds the admitted assets required under paragraph g of subsection 9.

9. No such corporation shall issue policies or transact any business of insurance unless it shall comply with the conditions following, nor until the Insurance Commissioner has by formal license authorized it to do so, which license shall not issue until the corporation has complied with the following conditions.

If organized to transact the kind of insurance described in paragraph (a) of subsection 7.

(a) Application for at least two hundred (200) risks, for at least twenty members, shall be subscribed, aggregating not less than five hundred thousand dollars ($500,000.00) insurance.

(b) The maximum amount of any single risk, less re-insurance, shall not exceed three times the average risk or one per cent of the insurance applied for, whichever is the greater.

(c) A premium upon each application shall be collected in cash and the corporation shall hold admitted assets of not less than twice the maximum single risk assumed subject to one fire nor less than ten thousand dollars.

(d) If organized to transact the kind of insurance described under paragraphs b, c, d, e, f, g, h, i, j, and k, of section 7.

(e) It shall hold bona fide applications for insurance upon which it shall issue simultaneously at least twenty policies to at least twenty members of the same kind of insurance upon not less than 200 separate risks, each within the single risk prescribed herein.

(f) The maximum single risk shall not exceed twenty per cent of its admitted assets or three times the average policy, or one per cent. of the insurance in force, whichever is the greater, any re-insurance taking effect simultaneously with the policy being deducted in determining such maximum single risk.

(g) It shall hold admitted assets for each kind of insurance to be issued equal to at least five times the maximum single risk assumed.

(h) For the purpose of transacting the kind of insurance specified in paragraph (c) of subsection 7, no more than $25,000.00 in such admitted assets shall be required, and at least 1,500 employes shall be covered, each such employe being considered a separate risk, and the provision with regard to maximum single risk shall not apply.

10. When more than one kind of insurance as enumerated and described under paragraphs b, c, d, e, f, g, h, i, j, and k, of subsection 7, is effected by the same corporation, each kind shall be written in a separate policy. In the accounts pertaining to each kind shall be entered all receipts thereof and all expenses incurred directly in its behalf and a due proportion of the unallocated expenses of the corporation, in such manner as to show separately the underwriting expenses. The funds earned by one kind of insurance shall not be available to pay losses or expenses incurred by another kind until all available assets of the kind where the losses or expenses were incurred are exhausted. The return of excess premiums, if any, shall be based upon the contribution of each kind of insurance to such excess.

11. Any public or private corporation, board or association in this Commonwealth or elsewhere may make applications, enter into agreements for and hold policies in any such mutual insurance corporation. Any officer, stockholder, trustee or legal representative of any such corporation, board, association or estate may be recognized as acting for or on its behalf for the purpose of such membership, but shall not be personally liable upon such contract of insurance by reason of acting in such representative capacity.

12. Every corporation organized under the provisions of this section shall have power to make contracts of insurance or indemnity with any person, firm, public or private corporation, board, association or estate or any trustee or legal representative of same, in this Commonwealth or elsewhere; prescribe the qualifications and the manner and form of the admission and withdrawal of members; to make all necessary rules and regulations concerning the hazards incurred, the premium rates to be used and adjustment and payment of losses; and make all further necessary provisions concerning the conduct of its business or affairs.

13. Every policyholder shall be a member of the corporation and shall be entitled to one or more votes, based upon the insurance in force, the number of policies held, or the amount of premium paid, as may be provided in the by-laws, and such members may vote in person or by proxy, which votes may be cast as prescribed in section 208 of the Constitution of Kentucky.

14. The by-laws shall provide for a cash premium, or a cash premium deposit and may limit the contingent liability of the members to an amount not less than one or more than ten times the cash premium or cash premium deposit expressed in the policy. The maximum contingent liability of the holder of each policy shall be plainly stated as a part of each policy.

15. The by-laws may also provide for policies to be issued for cash premiums or cash premium deposits without contingent liability of policyholders, provided the corporation possesses a surplus of at least one hundred thousand dollars and not less in amount than the capital required of a domestic stock insurance company transacting the same kind of insurance.

16. No such corporation shall invest any of its assets except in accordance with the laws of this Commonwealth relating to the investment of funds of domestic stock insurance companies doing a similar business.

17. Such corporation shall maintain premium deposit, unearned premium and other reserves, separately for each kind of insurance, upon such basis as will provide for all liabilities as fully as the reserves required of domestic stock companies writing the same kind of insurance; provided, however, that any reserve for losses or claims based upon the premium income shall be computed upon the net premium

income, after deducting any so-called dividend or premium returned or credited to the insured.

18. Such corporation not possessed of assets at least equal to the unearned premium reserve and other liabilities, shall make an assessment upon its members liable to assessment, to provide for such deficiency, such assessment to be against each such member in proportion to such liability as may be expressed in his policy; provided, the Insurance Commissioner may, by written order, relieve the corporation from an assessment or other proceedings to restore such assets during the time fixed in such order.

19. Any director, officer or member of any such corporation, or any other person, may advance to such corporation any sum or sums of money necessary for the purpose of its business, or to enable it to comply with any of the requirements of the law, and such moneys and such interest thereon as may have been agreed upon, not exceeding ten per cent. per annum, shall not be a liability or claim against the corporation or any of its assets, except as herein provided, and shall be repaid only out of the surplus earnings of such corporation. No commission or promotion expenses shall be paid in connection with the advance of any such money to the corporation, and the amount of such advance shall be reported in each annual statement.

20. The president or vice president, together with the secretary of each corporation organized or authorized to do business under this section, shall annually, on or before the 28th day of February of each year, prepare under oath, if required, and file with the Insurance Commissioner a full, true and complete statement of the condition of the company on the 31st day of December of the preceding year, in such form as shall be prescribed by said Insurance Commissioner.

21. When by the laws of any other State, district or

territory any corporation is authorized to engage in the insurance business on the mutual plan in accordance with the laws of the State, district or territory in which the corporation is organized, it shall be admitted to do the kinds of insurance business authorized by this section when it shall be solvent under this section and shall have complied with the following requirements, to-wit:

(a) Filed with the Insurance Commissioner a duly certified copy of the charter and articles of association.

(b) Paid the Insurance Commissioner a fee of twenty-five dollars ($25.00.)

(c) Filed with the Insurance Commissioner a copy of its by-laws certified to by its secretary.

(d) Appointed the Insurance Commissioner as a person upon whom process may be served, which when so served shall be of the same force and effect as if served upon the company. This authority shall continue in force so long as liability remains outstanding in this Commonwealth.

(e) Filed a certificate of the Insurance Commissioner that said corporation is organized and authorized to do such business in the State, district or territory in which it is incorporated.

(f) Filed a financial statement under oath, in such form as may be required and have complied with other provisions of law applicable to the filing of papers by and the audit and inspection of stock companies transacting the same kind of insurance.

Upon compliance by any foreign corporation with the provisions of this subsection, its application to do business in this Commonwealth, shall be approved by the Insurance

Commissioner, and such officer shall issue to such corporation a permit, in writing, authorizing it to do business within the Commonwealth. When legal process against any such corporation is served upon said Insurance Commissioner, he shall immediately notify the company of such service by registered letter, prepaid and directed to its home office, or to such officer or authorized representative as the company may direct, and enclose copy of the process served on him. The plaintiff in such process so served shall pay the Insurance Commissioner at the time of such service a fee of $2.00, which shall be recovered by him as a part of the taxable costs if he prevails in the suit. The Insurance Commissioner shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

22. Except as provided in this section no law of this Commonwealth relating to insurance shall apply to mutual insurance corporations authorized hereunder. The business affairs and assets of mutual companies authorized to transact business in this Commonwealth under this act shall be subject to examination of the Insurance Commissioner at the expense of such company.

22a. All mutual companies other than domestic companies, authorized to do business in this Commonwealth, shall pay into the State treasury on or before the first day of March in each year a tax of two (2) per centum upon the taxable premiums received by it during the calendar year preceding. The taxable premiums used as a basis for taxation shall be the deposit premiums in force on each risk in this Commonwealth during the year, deducting the unabsorbed portion of the deposit premiums computed on the basis of the rate of return actually made on policies expiring during the year. In addition to the foregoing tax, such companies shall pay an annual tax of one (1) per centum, same

being one-half of one per centum as prescribed by section 2 of this act and one-half of one per centum as prescribed by section 28 of this act; said taxes to be calculated on the same basis as hereinbefore provided in this section.

§ 25. 1. Individuals, partnerships and corporations of this Commonwealth, hereby designated subscribers, are hereby authorized to exchange reciprocal or inter-insurance contracts with each other or with individuals, partnerships and corporations of other States and counties providing indemnity among themselves from any loss which may be insured against under other provisions of the laws, excepting life insurance.

2. Such contracts may be executed by an attorney, agent or other representative, herein designated attorney, duly authorized and acting for such subscribers. The office or offices of such attorney shall be maintained at such place or places as may be designated by the subscribers in the power of attorney.

3. Such subscribers, so contracting among themselves, shall, through their attorney, file with the Insurance Commissioner of this Commonwealth a declaration verified by the oath of such attorney, setting forth:

(a) The name or title of the office at which such subscribers propose to exchange such indemnity contracts. Said name or title shall not be the same or practically identical with any other name or title previously adopted by a similar organization, or by any insurance corporation or association.

(b) The kind or kinds of insurance to be effected or exchanged.

(c) A copy of the form of policy contract or agreement

under or by which such insurance is to be effected or exchanged.

(d) A copy of the form of power of attorney or other authority of such attorney under which such insurance is to be effected or exchanged.

(e) The location of the office or offices from which such contracts or agreements are to be issued.

(f) That applications have been made for indemnity upon at least seventy-five separate risks, aggregating not less than one and one-half million dollars, as represented by executed contracts or bona fide applications to become concurrently effective, or, in case of liability or compensation insurance, covering a total payroll of not less than one and one-half million dollars.

(g) That there is on deposit with such attorney and available for the payment of losses, a sum of not less than twenty-five thousand dollars.

4. Concurrently with the filing of the declaration provided for by the terms of subsection three hereof, the attorney shall file with the Insurance Commissioner an instrument in writing, executed by him for said subscribers, conditioned that upon the issuance of certificate of authority, provided for in subsection ten hereof, service of process may be had upon the Insurance Commissioner in all suits or other proceedings in this Commonwealth arising out of such policies, contracts, agreements or other business of insurance transacted under such license, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or inter-insurance contracts through such attorney. Three copies of such process shall be served and the Insurance Commissioner shall file one copy, forward one

copy to said attorney, and return one copy with his admission of service. If any attorney shall, without the consent of the other party to any suit or proceeding brought by or against him or any subscriber in any court of this Commonwealth, remove or attempt to remove such suit or proceeding to any federal court it shall be the duty of the Insurance Commissioner forthwith to revoke all authority and license to such attorney to transact the business of insurance in this Commonwealth.

5. There shall be filed with the Insurance Commissioner of this Commonwealth by such attorney a statement under the oath of such attorney showing the maximum amount of indemnity upon any single risk, and such attorney shall, whenever and as often as the same shall be required to file with the Insurance Commissioner a statement verified by his oath to the effect that he has examined the commercial rating of such subscribers as shown by the reference book of a commercial agency having at least one hundred thousand subscribers, and that from such examination or from other information in his possession it appears that no subscriber has assumed under any policy issued covering fire loss, an amount greater than ten per cent. of the net worth of such subscriber at the time of the issuance of such policy.

6. There shall at all times be maintained as a reserve a sum in cash or convertible securities equal to fifty per centum of the net annual deposits collected and credited to the accounts of the subscribers on policies having one year or less to run and pro rata on those for longer periods, or in lieu thereof one hundred per centum of the aggregate net unearned deposits collected and credited to the accounts of the participating subscribers. For the purpose of said reserve, net annual deposits shall be construed to mean the advance payments of subscribers after deducting therefrom the amounts specifically provided in the subscribers' agreements

for expenses. Said sum shall at no time be less than twenty-five thousand dollars, and if at any time such reserve shall not equal that amount, then the subscribers, or their attorney for them shall make up any deficiency. In calculating said reserve the amount provided for in subdivision (g), subsection three, shall be included.

7. Said attorney shall make an annual report to the Insurance Commissioner for each calendar year on or before the expiration of the license period, which license period shall correspond to that of other insurance organizations licensed in this Commonwealth for the transaction of the same class of business. Such license may be extended by the Insurance Commssioner for not exceeding sixty days upon his extending the time for filing the annual statement. Such annual statement shall show that the financial condition of affairs at the office where such contracts are issued is in accordance with the standard of solvency provided for herein, and shall furnish such additional information and reports as may be required to show the total premiums or deposits collected, the total losses paid, the total amounts returned to subscribers and the amounts retained for expenses; provided, however, that such attorney shall not be required to furnish the names and addresses of any subscribers. The business affairs and assets of said reciprocal or inter-insurance exchanges, as shown at the office of the attorney thereof, shall be subject to examination by the Insurance Commissioner at the expense of such exchange.

8. Any corporation now or hereafter organized under the laws of this Commonwealth, shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incidental to the purposes for which such cor-

porations are organized and as much granted as the rights and powers expressly conferred.

9. No attorney or other person shall directly or indirectly solicit or negotiate any application for contracts of indemnity of the kind and character specified in this section or do any act in the organization of any such exchange until he shall first have filed with the Insurance Commissioner a copy of the form of policy contract and power of attorney with a statement of the plan of organization, and except as aforesaid no attorney or other person shall solicit or accept any such applications for contracts of indemnity and no attorney shall put into effect or exchange any such contracts of indemnity of the kind and character mentioned in this section without first complying with all of the provisions thereof.

10. Upon compliance with the foregoing requirements of this section, the Insurance Commissioner shall issue a certificate of authority to the attorney in fact in the name and title of the office mentioned in subdivision (a) of subsection three. The Insurance Commissioner may revoke or suspend any certificate of authority issued hereunder in case of breach of any of the conditions imposed by this section after reasonable notice has been given said attorney in writing so that he may appear and show cause why such action should not be taken. Any attorney who may have procured a certificate of authority hereunder shall have same renewed annually thereafter; provided, however, that any certificate of authority issued shall continue in force and effect until a new certificate of authority is issued or specifically refused.

11. Such attorney shall pay into the State treasury the sum of twenty-five ($25.00) dollars as an annual license fee and a tax of two (2) per centum of the gross premiums or deposits collected from Kentucky subscribers during the pre-

ceding calendar year less all amounts returned to subscribers or credited to their accounts as savings and in addition to the foregoing taxes and fees such attorney shall pay an annual premium tax of one (1) per centum, same being one-half of one per centum as prescribed by section 2 of this act and one-half of one per centum as prescribed by section 28 of this act, said taxes to be calculated on the same taxable basis as hereinbefore provided in this section.

12. Except as provided in this section no law of this Commonwealth relating to insurance shall apply to the exchange of such indemnity contracts.

§ 26. 1. Individuals, partnerships, or associations of individuals hereby designated "underwriters," are authorized to engage in the business of insurance in this Commonwealth as insurers on the Lloyd's plan, as provided in the insurance law.

2. Such underwriters may effect any of the kinds of insurance authorized by the insurance laws of Kentucky other than life insurance on being licensed by the Insurance Commissioner, which license shall only issue after such underwriters shall have filed with him an application, signed and sworn to by their duly authorized attorney or attorneys in fact, setting forth:

a. The name or title under which the business is to be conducted, which names shall not be so similar to any name in use in the United States as to be likely to confuse or deceive.

b. The location of the principal office at which the business is to be conducted.

c. A copy of the form of power of attorney, agreement

or other authority of the attorney or attorneys in fact, setting forth the character of their representatives and authority, and the agreement between the underwriters.

d. A copy of each form of policy, contract or agreement under or by which the insurance is to be effected.

e. The names and addresses of all the underwriters proposing to engage in such business.

f. The designation and appointment of the Insurance Commissioner for service of legal process.

g. The kind or kinds of insurance to be written.

h. That a fund for the protection of policyholders is in the possession, within the United States, of the attorney or attorneys in fact, or a committee for such underwriters, and is held either in cash or invested as required by the laws of the State in which the principal office of the underwriters is located in respect to securities deposited by insurance corporations authorized to transact similar kinds of insurance. Such fund shall amount to the minimum sum required by the insurance law for the transaction of the same kinds of insurance by a domestic stock corporation.

i. The number of underwriters, which shall not be less than twenty-five, and that each underwriter is worth in his own right not less than twenty thousand dollars over and above all his debts and liabilities.

j. A statement showing a list of all cash and invested assets owned by said associated underwriters, as such, and their estimated value.

3. Upon the filing of the documents hereinbefore specified, the commissioner shall examine the same, and, if it shall

appear that all the statements made in the said declaration are true and that the rights of the policyholders will be protected thereunder, he may issue a license to such underwriters, under the name chosen and approved, authorizing them to transact the business of insurance specified in said declaration. Such license shall be renewed annually, and no underwriter, attorney in fact, agent, or other person shall transact the business of insurance in this Commonwealth for such underwriters until such certificate has been issued, nor during its suspension or after revocation.

4. Prior to the issuance of such license such Lloyd's organization shall submit to a personal examination of its affairs by the Insurance Commissioner as shown at the principal office at which the business is conducted, or if acceptable to the Insurance Commissioner shall file with him a certified copy of an examination of its affairs made within two years by the Insurance Commissioner or proper supervising official of some other State.

5. If any of the underwriters applying for certificate of authority hereunder is not a citizen of the United States, each such alien underwriter shall, at the time of the making of the aforesaid application for license deposit with the State Treasurer through the commissioner the sum of five thousand dollars in cash or in securities such as are now required for the investment of the capital of insurance corporations authorized to transact similar kinds of insurance in this Commonwealth. Provided, that the provisions of this section as to deposits shall not apply if such alien underwriter is one of an association of underwriters having on deposit with the insurance department of any State of the United States, or in the hands of a bank or trust company as trustee, a cash deposit or approved securities worth not less than one hundred thousand dollars, held in trust for the benefit of all their policyholders in the United States. Provided fur-

ther, that the provisions of this section as to deposits shall not apply if such alien underwriter is one of an association of underwriters, nine-tenths of whom are at all times citizens of the United States, and who have complied with all other provisions of this act.

6. After the conditions of any deposits made under the provisions of this section have been fulfilled, and the license granted to such underwriters has been cancelled, or they have voluntarily withdrawn from and have ceased doing business in this Commonwealth, the State Treasurer and commissioner shall return to said underwriters, or their duly authorized representative for this purpose, specifically designated by them or their principal attorney or attorneys in fact, all securities and cash so deposited in this Commonwealth.

7. Whenever underwriters, applying for license hereunder, after the issue of such license, are joined by other underwriters, additional or substituted, such additional or substituted underwriters must comply with the provisions of this section, and shall be held to be bound by the documents on file with the commissioner concerning such authorized underwriters, in the same manner and to the same extent as though they had been original applicants for the license.

8. Any association of underwriters authorized hereunder shall, from time to time, furnish to the commissioner, under oath of their attorney or attorneys in fact, such information as said commissioner may require respecting the conduct of their affairs. Any change in the name under which said business is done, the establishment of branch offices and their location, and any change in the membership of the underwriters and their attorney or attorneys in fact, including any amendment to the power of attorney, agree-

ments, or articles of association of underwriters shall be promptly filed with the commissioner.

9. No association of underwriters, authorized to do business in this Commonwealth under the terms hereof, shall expose themselves to loss on any one risk to an amount in excess of one-fifth of their cash and invested assets, including therein the underwriting liability of the individual underwriters, unless any excess shall be reinsured at the same time by said underwriters.

10. All associations of underwriters authorized hereunder and their representatives shall respectively be subject to the same supervision by, and required to make the same reports to the commissioner, as is required of foreign stock insurance companies and their representatives transacting the same or similar kinds of insurance in this Commonwealth, and they shall pay the same taxes and license fees as are required to be paid by such insurance companies.

11. Nothing herein contained shall apply to inter-insurers or reciprocal underwriters.

12. Upon violation of any of the provisions of this section, the commissioner shall by order revoke or suspend any certificate of authority issued hereunder.

§ 27. The office of "State Fire Marshal" is established as part of the Department of Insurance. The Auditor on the taking effect of this section shall appoint the State Fire Marshal to hold for a term of four years or during his pleasure and shall fill any vacancy occurring in said office. The State Fire Marshal shall devote his whole time to the duties of his office, and shall give bond to the Commonwealth in the sum of ten thousand dollars, in such form and with such sureties as required and approved by the Auditor, condi-

tioned for the faithful performance of his duties and the delivery to his successor of all books, papers, records and other matter belonging to his office. He shall receive an annual salary of three thousand dollars. The appointment of the State Fire Marshal, his deputies, clerks and assistants and their compensation and removal shall be subject to the approval of the Auditor.

§ 28. The State Fire Marshal shall appoint a chief deputy and such other deputies, clerks and assistants as he may find necessary, to hold at his pleasure, and shall fix from time to time their duties and compensation. The Fire Marshal shall keep his office with the commissioner and shall be provided by the Commonwealth with office rooms, fuel and light. All salaries and expenses of conducting the office of the State Fire Marshal shall be paid out of the insurance fund, provided that the total salaries and expenses in any one calendar year shall not exceed one-half of one per centum on all premiums of fire insurance companies, which shall be in addition to the two per centum therein provided by law. All payments authorized from the insurance fund by this section shall be made by warrant of the Auditor upon the certificate of the State Fire Marshal.

§ 29. The State Fire Marshal, in conjunction with or through other public officers upon whom any such duties are imposed, if any, shall enforce all laws and ordinances of the Commonwealth and the several counties, cities and other political subdivisions thereof relating to:

a. The prevention of fires, and the inspection of property periodically or otherwise, or any other regulations or methods adopted for the prevention of or reduction of loss by fire, or to promote the safety of persons in case of fire.

b. The manufacture, storage, sale and use of combustibles and explosives.

c. The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment.

d. Fire escapes and other means of exit from or access to buildings or parts of buildings or other property, in case of fire.

e. The investigation of the cause, origin and circumstances of fire and the detection and suppression of arson.

§ 30. The State Fire Marshal, in conjunction with or through other public officers upon whom such duties are imposed, if any, shall have power, and it shall be his duty:

(a) To supervise and make or cause to be made periodically a thorough inspection of all property within the cities and towns having fire departments, and so far as practicable all other property within this Commonwealth.

(b) To call to his aid individuals, or committees of commercial, industrial, labor, civic or public organizations or bodies, for formulating regulations to require that all buildings, structures and other premises be constructed, made and kept safe from loss or damage or loss of life or injury to persons by fire; to make and put in force such regulations; and to enforce the same as provided by law.

(c) To investigate the cause, origin and circumstances of every fire occurring within this Commonwealth by which property has been destroyed or damaged.

(d) To summon and compel the attendance of witnesses and production of testimony and to hold hearings and make orders in any and all matters under his jurisdiction.

(e) To co-operate with any and all other Common-

wealths and all county, city and other governmental agencies having jurisdiction in any such matters.

(f) To cause fire prevention to be taught in all public and private schools at least once each week, and fire drills to be held in said schools at least once each month and to require that all doors and exits in school and public buildings open outward and be kept unlocked while such buildings are occupied for school or public purposes.

§ 31. The fire marshal shall have power to require and compel the attendance of witnesses and the production of papers, books, accounts, documents, records and other testimony, in any investigation, examination, action or proceeding, which he is authorized to make, hear or determine. The Fire Marshal may, in any such investigation, examination, action or proceedings, cause the depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed by law for depositions in civil actions in circuit courts. The same fees shall be paid for the service of such process and for the taking of such depositions and for the service of stenographers as provided for such services in circuit courts. Payment of all such expenses incurred by the Fire Marshal shall be made out of the insurance fund upon the warrant of the Auditor upon vouchers signed by the Fire Marshal. In case any person shall refuse or fail to respond to any subpoena, testify, produce documents, or comply with other lawful orders made by the Fire Marshal, the facts may be certified by the Fire Marshal to the circuit court of the county in which such offense was committed, which shall thereupon have jurisdiction to hear, try and punish such persons as in other cases of contempt.

§ 32. The chief deputy shall possess the powers and perform the duties of the State Fire Marshal in case of vacancy or during the absence or disability of the latter.

The State Fire Marshal, his deputies and assistants appointed by him shall be paid their actual and necessary expenses incurred in the performance of their duties. The chief of the fire department in each city or town having a fire department, and the sheriff of each county, for the territory outside of the corporate limits of cities and towns in said county having fire departments by virtue of their respective offices, shall be deputy fire marshals when so directed by the fire marshal for their respective counties, cities or towns. The State Fire Marshal shall from time to time prepare instructions to all his deputies and assistants, for their use in the reports required by this section, and cause the same to be printed and sent to each such deputy and assistant.

§ 33. The deputy for any city, town or other territory in which any fire shall occur shall immediately investigate the cause, origin and circumstances of such fire by which property has been destroyed or damaged and so far as possible determine whether the fire was the result of carelessness or design. If it shall appear to the officer making such investigation that such fire is of suspicious origin, he shall immediately notify the State Fire Marshal. Every fire occurring in this Commonwealth shall be reported within ten days by such deputy to the State Fire Marshal upon the forms prescribed by him.

§ 34. The State Fire Marshal or any deputy appointed by him shall from time to time make such additional investigations as he may deem necessary, and shall have the power to summon witnesses and compel them to attend and testify and may require the production of books, papers, documents and other testimony. He shall have the power to administer oaths and affirmations to any person appearing as a witness, and false swearing shall be prosecuted as such. The fees to be paid for the service of summons shall be the same as in courts of justices of the peace and paid out of the in-

surance fund. Such examination may be public or private, as the officers conducting the investigation may determine, and persons other than those required to be present may be excluded from the place where such examiantion is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

§ 35. If after any such investigation or examination the State Fire Marshal or the deputy conducting the same is of the opinion that the evidence in relation to such fire indicates that a crime has been committed, he shall present the testimony taken on examination with any other data in his possession to the county attorney of the county in which the supposed offense was committed, with the request that he institute such criminal proceedings as such testimony or data may warrant. Upon the request of the State Fire Marshal it shall thereupon be the duty of the Attorney General in person or by assistant to assist the county or Commonwealth attorney for such county in such prosecution in all courts of this Commonwealth, and in any appearance before the grand jury. The Attorney General or his assistants may in his discretion appear before the grand jury in the same capacity as the county or Commonwealth attorney and may assume the control and direction of any such action or proceedings.

§ 36. The State Fire Marshal shall keep in his office a record of all fires occurring in this Commonwealth and of all facts concerning the same, and shall make such compilations and statistical investigations as he may deem proper, all of which shall be kept as permanent records in his office. Such record of fires shall be made daily from the reports made to him by his deputies and assistants. All such records shall be public except that any testimony taken in any investigation or examination, may, in the discretion of the State Fire Marshal, be withheld from the public.

§ 37. In addition to the powers and duties of other deputy fire marshals, the chief of the fire department is required, in person or by officers or members of his fire department designated by him for that purpose, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violation of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspection shall be subject to the supervision and direction of the State Fire Marshal and shall be made at least once in six months in all of the territory served by such fire department, and not less than once in three months within the fire limits or the congested district subject to conflagration as the common council shall have designated or shall thereafter designate, and oftener as the chief of the fire department may order. Each six months' period shall begin on the first days of January and July, and each three months' period on the first days of January, April, July and October of each year. A written report of each such inspection shall be made and kept on file in the office of the chief of the fire department in the manner and form required by the State Fire Marshal. A copy of any report showing a change in the hazard, or any violation of law or ordinance relating to the fire hazard upon any risk shall be given by the State Fire Marshal to any rating bureau making written request of him therefor. Whenever any of said officers shall find a building or other structure which, for want of repairs, lack of sufficient fire escapes, or by reason of age, dilapidated conditions, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, and whenever such officer shall find in any building combustible or explosive matter or inflammable conditions dangerous to the safety of such building, he or they shall order the same to be remedied, and such order shall forthwith be complied with by the owner or occupant of such premiess or buildings. If such

order is made by any deputy, such owner or occupant may, within five days, appeal to the State Fire Marshal, who shall, within ten days, review such order and file his decision thereon, and unless by his authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order. If any person fails to comply with the order of any officer under this section, or with the order as modified on appeal herein provided and within the time fixed, then such officer is hereby empowered and authorized to cause such buildings or premises to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied as the case may be, at the expense of such person, and if such person within thirty days thereafter fail, neglect, or refuse to pay said officer the expense incurred thereby by him, such officer and those employed to do the work shall have a prior lien on the real estate on which said buildings was located for said expense. The State Fire Marshal or any deputy may at all reasonable hours enter any buildings, structures or premises within his jurisdiction, to make any inspection, investigation or examination which is authorized to be made under this section; provided, that this shall not apply to the interior of private dwellings, except when a fire has occurred or when such officer shall have reason to believe that dangerous conditions exist in such dwelling. No person shall obstruct, hinder or delay any such officer in the performance of such duty.

§ 38. Every owner or other person having charge of or control over any building, structure or other premises in this section designated "owner," shall construct, keep and make such building, structure or other premises in this section designated "building," safe from loss or damage to property or loss of life, or injury to persons by fire, in this section designated "fire loss."

§ 39. No such owner shall require, permit or suffer the

public or any employe to go or be in any such place which is not safe, and no such owner shall fail to furnish, provide and use reasonably adequate protection and safeguards against fire, or fail to adopt and use processes and methods reasonably adequate to render such places safe, and no such owner or other person shall fail or neglect to do every other thing reasonably necessary to prevent a fire loss in such building so under his charge or control.

§ 40. The State Fire Marshal is vested with the power and jurisdiction over, and shall have such supervision of, every such building in this Commonwealth as may be necessary to enforce all laws, ordinances and all lawful orders requiring any such place to be safe, and requiring protection from such fire loss.

§ 41. The State Fire Marshal shall have power and authority:

(a) To appoint advisers and to promote and secure the appointment and service of committees of commercial, industrial, labor, civic and other organizations, who shall, without compensation, assist the State Fire Marshal in establishing standards of safety, and the State Fire Marshal may adopt and incorporate in his general orders such safety recommendations as he may receive from such advisers and committees.

(b) To establish and maintain museums and exhibits of safety and fire prevention, in which shall be exhibited equipment, safeguards and other means and methods for protection against fire loss, and to publish and distribute bulletins on any phase of this general subject.

(c) To cause lectures to be delivered, illustrated by stereopticon or other views, diagrams or pictures, for the information of such owners or other persons, and the general

public, in regard to the causes and prevention of fires and related subjects.

§ 42. The State Fire Marshal shall have the power, after a hearing had upon his own motion or upon complaint, by general or special orders or otherwise:

(a) To declare and prescribe what protection, safeguards or other means or methods will be best adapted to render any such building safe as required by law, ordinances or lawful orders.

(b) To fix such reasonable standards, and prescribe, modify and enforce such reasonable orders for the adoption, installation and maintenance of equipment, safeguards and other means or methods of protection as nearly uniform as possible, as shall be necessary to carry out all laws, ordinances and lawful orders relative to the prevention of such fire loss.

(c) To fix and order such reasonable standards for the construction and maintenance of such buildings as shall render them safe from such fire loss.

(d) To require the performance of any other act necessary for the prevention of such fire loss.

§ 43. Upon the fixing of a time and place for holding a hearing for the purpose of considering and issuing a general safety order or orders as authorized by section 42, the State Fire Marshal shall cause a notice of such hearing to be published in two or more daily newspapers of general circulation published and circulated in this Commonwealth, such newspapers to be designated by him for that purpose. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the State Fire Marshal after hearing had.

§ 44. Whenever the State Fire Marshal, after a hearing had upon his own motion or upon complaint, shall find that any building is not safe or that the practices or means or methods of operation or processes employed or used in connection therewith are unsafe, or do not afford adequate protection against such fire loss, in any such place, the State Fire Marshal shall make and serve such order relative thereto as may be necessary to render such place safe from such fire loss, and may in said order direct that such additions, repairs, improvements or changes be made and such equipment and safeguards be furnished, provided and used, as are reasonably required to render such place safe, in the manner and within the time specified in said order. The said Fire Marshal may fix the time within which any general or special order shall take effect or shall be complied with by any person affected thereby; and may on his own motion or upon application of any owner or any other person affected thereby, grant such time as may reasonably be necessary for compliance with such order. Every such owner and every other person shall obey and comply with each and every requirement of every general or special order made by the State Fire Marshal under this section, and shall do everything necessary and proper to secure compliance with and observance of every such general or special order.

§ 45. Nothing contained in this act shall be construed to deprive the authorities of any county, city, or any other municipality, of any power or jurisdiction over or relative to any such building; provided, that, whenever the State Fire Marshal shall, by order, fix a standard of safety from fire loss, such order shall establish a minimum requirement concerning the matters covered by such order and shall be construed in connection with any local order relative to the same matter. A copy of every such order shall be filed by the State Fire Marshal in each county, city, or other munici-

pality, with the officer or board having jurisdiction over such matters.

§ 46. The State Fire Marshal shall enter all orders, general or special, in a permanent record. Every order, general or special, of the State Fire Marshal made and entered under this section shall be admissible as evidence in any prosecution for the violation of any of its provisions. Unless proceedings for a rehearing upon such order or a review thereof shall have been instituted and be pending and it shall not then have been finally instituted and be pending and it shall not then have been finally determined, the provisions of such order shall be presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety from such fire loss.

§ 47. Any owner, occupant or other person having control over or charge of any building, structure or other premises and any other person required to do or perform any act herein required, or any other law relating to the State Fire Marshal, who shall violate any provision of such laws or any part thereof, or who shall fail or refuse to comply with any such provision or any part thereof, or who shall violate or fail or refuse to comply with any lawful order made under such laws, or who, directly or indirectly, knowingly induced another so to do, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment. In any prosecution under this subsection it shall be deemed prima facie evidence of a violation that the accused has failed or refused to comply with any order, rule, regulation or requirement of the State Fire Marshal relative to the safety of any building, structure or premises, and the burden or proof shall thereupon rest upon the accused to show that he has complied with such order, rule, regulation or require-

ment. Every violation of the provisions contained in sections 39, 40 and 45 or any part or portion thereof by any person or corporation is a separate and distinct offense and, in the case of a continuing violation thereof, each day's continuance thereof shall constitute a separate and distinct offense.

§ 48. Any officer, director, United States manager, employe, attorney in fact, agent, adjuster, inspector, or other person violating any provision of the insurance laws in the transaction of the business of insurance or in any matter relating thereto, shall be punished by a fine of not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00) or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, the court may in its discretion suspend or revoke any license held by such person for the transaction of the business of insurance or any business relating thereto.

§ 49. An act relating to fire, lightning, hail, windstorm and sprinkler leakage insurance, and to regulate and control the rates of premium thereon, and creating a State Insurance Board, and defining the powers and duties of said board, approved March 4, 1912, and all amendments thereto, and also sections 700 and 762a of Carroll's Statutes, 1915, and all other acts or parts of acts in conflict therewith are hereby repealed.

Mr. Mathers offered the following amendment to said bill, viz.:

Amend S. B. 322, Section 13, after line 16:

Before any insurance company shall accept any risk for insurance or renewal, it shall be satisfied their agent or his

agent has made a personal inspection of the risk to be insured or renewed and note the inspection on the policy.

Said amendment was disagreed to.

Mr. L. M. Smith offered the following amendment to said bill, viz.:

Amend S. B. 322 as follows:

Amend Sub-section 7 of Section 24 of said bill, by striking therefrom beginning at line 60, on page 15, the following, to-wit.:

(j) Automobile Insurance.—Against loss, expense and liability resulting from the ownership, maintenance or use of any automobile or other vehicle.

Said amendment was disagreed to.

Mr. L. M. Smith offered the following amendment to said bill, viz.:

Amend S. B. 322 as follows:

Amend Section 23 by striking therefrom the following words, beginning in line 14, on page 13, of said bill, to-wit:

"Upon automobiles, whether stationary or operated under their own power, against loss or damage by any of the causes or risks mentioned herein, including also transportation, collision, liability for damage to property resulting from owning, maintaining, or using automobiles and including burglary and theft, but not including loss or damage by reason of bodily injury to the person."

Said amendment was disagreed to.

Mr. McMurray offered the following amendment to said bill, namely:

Amend Senate Bill No. 322, as follows:

Section 22. By striking out all of said section beginning with the word "provided," in line 13, and ending with the word "herein," in line 33.

The yeas and nays being called for on said amendment by Messrs. McMurray and Kauffman were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	C. B. Nichols	Frank M. White
Glover H. Cary	Thomas Spurrier	J. D. Wills
H. Clay Kauffman	Ed. D. Stone	—8

Those who voted in the negative were—

Peter Ampler	W. C. G. Hobbs	Geo. L. Pickett
C. H. Bays	A. B. Holland	A. B. Pieratt
Chas. D. Bratcher	David J. Howard	W. A. Price
E. Bullock	J. M. Howell	J. D. Pumphrey
R. A. Cook	Chas. L. Hunter	Richard Radcliffe
A. S. Cooper	R.B.Hutchcraft,Jr.	John T. Roach
S. B. Coleman	W. H. Jones	Joe Schneider
W. P. Cropper	Wm. J. Kuh	E. D. Smith
James S. Cruse	W. T. Lasley	Claude B. Smith
H. C. Cummins	Dr. J. E. Lilly	John W. Snider
Jas. R. Dorman	W. R. Lyon	R. C. Tartar
Thomas A. Dover	Jacob Metzger	Robt. R. Treadway
W. E. Dowling	Claude D. Minor	D. B. Tyra
William Duffy	S. Montgomery	J. Wood Vance
J. R. Durham	G. B. Moores	J. W. Wall
L. L. Embrey	B. F. McAtee	John S. Webb
W. G. Gooch	W. J. McMurray	E. S. Wood
Frank C. Greene	S. Mazyck O'Brien	Louis E. Yewell
C. H. Grimes	A. J. Oliver	
W. B. Harvey	William A. Perry	—58

And so said amendment was disagreed to.

Mr. Murphy offered the following amendment to said bill, viz.:

Amend Section 14 of Substitute for Senate Bill No. 322, by adding thereto the following:

Provided, the Commissioner of Insurance shall issue no license to any person as agent of an insurance company, if such person is a resident of the State, which, by its laws, or rulings of the Insurance Commissioner, prohibits a resident of this State from acting as agent of insurance company in such State; and in no instance shall such license be issued to such agent, unless he shall bona fide maintain an office in this State in which his records as such agent are kept and shall comply with all the provisions of this act as is required of a resident agent.

The yeas and nays being called for on said amendment by Messrs. Meyers and Murphy were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Dr. C. W. Mathers	W. A. Price
Frank J. Brown	Jacob Metzger	D. S. Richardson
W. P. Cropper	Harry J. Meyers	E. D. Smith
C. H. Grimes	John T. Murphy	Adam Spahn
H. Clay Kauffman	E. B. McGlone	Robt. R. Treadway
Dr. J. E. Lilly	Geo. L. Pickett	—17

Those who voted in the negative were—

H. F. S. Bailey	W. H. Brown	R. A. Cook
Geo. B. Barrett	E. Bullock	A. S. Cooper
C. H. Bays	Henry A. Cannon	S. B. Coleman
Chas. D. Bratcher	Glover H. Cary	James S. Cruse

Jas. R. Dorman	T. R. Jones	Harry P. Purnell
Thomas A. Dover	W. H. Jones	Richard Radcliffe
W. E. Dowling	Wm. J. Kuh	John T. Roach
William Duffy	W. T. Lasley	Lewis Ryans
L. L. Embrey	W. R. Lyon	Joe Schneider
W. G. Gooch	Claude D. Minor	Claude B. Smith
Frank C. Greene	S. Montgomery	John W. Snider
W. B. Harvey	B. F. McAtee	Ed. D. Stone
W. C. G. Hobbs	W. J. McMurray	J. Wood Vance
A. B. Holland	L. T. Neat	John S. Webb
David J. Howard	C. B. Nichols	J. D. Wills
J. M. Howell	S. Mazyck O'Brien	M. O. Wilson
Chas. L. Hunter	A. J. Oliver	E. S. Wood
R.B.Hutchcraft,Jr.	William A. Perry	Louis E. Yewell
R. B. Jackson	A. B. Pieratt	E. G. Young
J. M. Johnson	J. D. Pumphrey	—59

And so said amendment was disagreed to.

Mr. Radcliff moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Frank C. Greene	William A. Perry
H. F. S. Bailey	C. H. Grimes	Geo. L. Pickett
Geo. B. Barrett	W. B. Harvey	A. B. Pieratt
C. H. Bays	W. C. G. Hobbs	W. A. Price
Chas. D. Bratcher	A. B. Holland	J. D. Pumphrey
G. G. Brashear	David J. Howard	Harry P. Purnell
Frank J. Brown	J. M. Howell	Richard Radcliffe
W. H. Brown	Chas. L. Hunter	D. S. Richardson
E. Bullock	R.B.Hutchcraft,Jr.	John T. Roach
Henry A. Cannon	R. B. Jackson	Lewis Ryans
Glover H. Cary	J. M. Johnson	Joe Schneider
R. A. Cook	T. R. Jones	E. D. Smith
A. S. Cooper	W. H. Jones	Claude B. Smith
S. B. Coleman	H. Clay Kauffman	John W. Snider
W. P. Cropper	Wm. J. Kuh	Adam Spahn
R. T. Crowe	W. T. Lasley	Thomas Spurrier
James S. Cruse	Dr. J. E. Lilly	Ed. D. Stone
H. C. Cummins	W. R. Lyon	R. C. Tartar
S. C. Dobbs	Jacob Metzger	Robt. R. Treadway
Jas. R. Dorman	Harry J. Meyers	J. Wood Vance
Thomas A. Dover	S. Montgomery	J. W. Wall
W. E. Dowling	G. B. Moores	John S. Webb
William Duffy	John T. Murphy	Frank M. White
Odie Duncan	B. F. McAtee	J. D. Wills
J. R. Durham	E. B. McGlone	M. O. Wilson
J. M. Elliston	W. J. McMurray	E. S. Wood
L. L. Embrey	L. T. Neat	Louis E. Yewell
T. T. Gardner	C. B. Nichols	E. G. Young
Wm. Gearheart	S. Mazyck O'Brien	
W. G. Gooch	A. J. Oliver	—88

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

S. B. 104. An act providing for the working of prisoners who are confined in the prison, on State highways and bridges, constructed by the Department of Public Roads; providing for the setting apart of a fund from the State Road Fund, to be used by the Department of Public Roads in building of State roads and bridges with convict labor, and to enable said highway department to work said prisoners in the mining, quarrying and manufacture and preparation of material for building roads and bridges; providing aid and assistance to the Commissioner of Public Roads in the construction of State roads with convict labor and otherwise: Providing for the assignment of prisoners to do State road work and for their supervision and management while so engaged: Providing a method of payment for the roads so constructed out of the State Road Fund and authorizing the Board of Prison Commissioners to provide means of employment for convicts while not engaged in working on the public roads and bridges, and in the manufacturing, quarrying, mining and preparation of road material; providing that the Board of Prison Commissioners may lease farms on which to work convicts and providing compensation for all prisoners that may work under the supervision of the Board of Prison Commissioners.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Upon the demand of the Commissioner of Public Roads, the Board of Prison Commissioners shall assign such

of the prisoners confined in either of the prisons as are available for work on such roads as are constructed under the direction of the State Department of Public Roads. Such prisoners may also be employed in the manufacturing, quarrying, mining and preparation of road and bridge material to be used either by the State Department of Public Roads in the construction of roads or bridges, or by the Board of Prison Commissioners for such other purposes as the said board may determine. Such prisoners as are assigned for the aforesaid work shall work at such places and such times as may be designated by the Commissioner of Public Roads and the work done by them shall be performed under the direction and according to the plans and specifications of the State Department of Public Roads. While such prisoners are engaged in the work aforesaid, the transportation, as defined below, care, guarding, supervision and maintenance shall be under the control and direction of said Board of Prison Commissioners. The cost and expense of same shall be paid out of the fund accruing from the hiring of such convicts as provided in section five (5) hereof.

Transportation as above referred to shall mean the railroad fare and incidental expenses of prisoners from their respective prisons to the county in which they shall be employed, and shall also include the transportation from one county to another county when said prisoners are so removed for the purpose of employment. The said board shall prescribe rules and regulations for their supervision, care and comfort and to that end the said board is given full power to prescribe such rules and regulations as may be necessary for the proper confinement, watching and guarding of said prisoners, while so engaged, and the expenses thereof shall be certified by the Board of Prison Commissioners to the Auditor and paid as provided for herein; provided, however, that for the year 1916 not more than fifteen per cent. (15%) of the road fund for that year shall be expended under the provision of this act and

for the year 1917 not more than fifteen per cent. (15%) of the road fund for that year shall be expended in addition to such a sum as represents the difference between fifteen per cent. (15%) of the road fund for 1916 and the amount actually expended during 1916 under the provisions of this act. But the said limitations of expenditure as above referred to are not to include expenditures for the purchase of machinery as provided in section two hereof, and provided further that the amount due from the road fund as State aid to any county which has heretofore or may hereafter vote bonds, shall not be affected by reason of the provisions of this act, but the full apportionment due such county shall be paid each year.

§ 2. The purchase of the necessary machinery and equipment for the construction of roads and bridges, or preparing material for roads and bridges and the purchasing of and payment for such material, as may be required in constructing roads and bridges with convict labor, and for the purchase of and maintenance of vehicles to be used in transporting the convicts while so engaged in such work, or for the transportation of employes of the State Department of Public Roads in the interest of any State aid road, shall be a proper charge against the State Road Fund, when so certified by the Commissioner of Public Roads, and upon the approval of the Governor shall be paid by the Auditor of Public Accounts. All purchases made under the provisions of this act shall first be advertised by the Commissioner of Public Roads and contracts for such material shall be let to the lowest and best responsible bidder, and all bids shall be filed in the office of the Commissioner of Public Roads and be a public record thereof. The provisions of Section nine (9) of Chapter eighty-seven (87) of the acts of 1914, shall apply to all roads constructed under the provisions of this act. Provided, That the amount expended under the provisions of this section, shall not exceed ten per centum of the State aid road

fund. The provisions of this section shall not prevent any county from purchasing its own road machinery.

§ 3. When the Fiscal Court of any county in the State shall notify the Commissioner of Public Roads that it has set apart a sufficient amount of money to pay one-half the cost of construction with convict labor any part of an inter-county seat road in such county, and has submitted to the Commissioner of Public Roads plans, specifications and estimates of cost, it shall be the duty of the Commissioner of Public Roads at once to make investigation, and if he finds that such road is one in the construction of which such county is entitled to receive State aid and approves such plans and specifications, he shall at once proceed to construct same with convict labor as herein provided for the construction of roads and bridges, but no bridge shall be constructed under the provisions of this act unless it be an intregal part of a State aid road under construction. Upon the completion of such road it shall be the duty of the Commissioner of Public Roads to furnish the Fiscal Court of the county in which such road has been constructed a detailed statement of the total cost of such road within the limits of said county, and it shall forthwith be the duty of the Fiscal Court of such county to appropriate from its county road fund one-half of the total cost of such road within said county, and pay same into the State Treasury to reimburse the State Road Fund for the amount so expended on behalf of such county. When any county shall notify the Commissioner of Public Roads that it has set apart a sufficient sum of money to pay one-half of the cost of construction with convict labor any part of an inter-county seat road in such county and has otherwise complied with the provisions of this act, said county shall file a statement showing the kind of road wanted, whether gravel or crushed stone and shall also state what kinds of road building material said county contains, whether gravel or stone, or both, and the building material of the county doing the

work shall be used when approved by the Fiscal Court of said county, provided, it is the kind of material designated by the Fiscal Court in its statement filed with the Commissioner of Public Roads.

§ 4. Any county may by order of the Fiscal Court elect to relinquish its claim to State aid, from the State Road Fund from year to year until the State aid so relinquished shall equal the total cost of the construction of said road; provided, that no county shall elect to relinquish its claim to State aid as provided in this section when the county has sufficient money in its road fund, not appropriated for other roads to pay for one-half of the cost of constructing said road, or when such county may, within constitutional limits, levy a sufficient tax for the year in which the road is built to pay for one-half of the construction of such road, and no county shall elect to relinquish its claim to State aid in the manner herein provided until it has levied a road tax up to the constitutional limit to be used for road purposes, and shall have entered an order on the record of the Fiscal Court through the Fiscal Court to pay all unappropriated money in its road fund towards the payment of one-half of the construction of such road, and if the amount so paid leaves a balance due the State the county may elect to relinquish its claim to State aid as above set out, until twice the amount due has been deducted from year to year from the amount due to said county from the State aid road fund.

§ 5. When the Commissioner of Public Roads shall employ any convicts in accordance with Section one hereof, he shall pay therefor from the State Road Fund the sum of one dollar ($1.00) per day per man for each convict so hired by him. The State Commissioner of Public Roads shall, at the end of each month, certify to the Board of Prison Commissioners, and to the Auditor of Public Accounts the number of convicts hired by him during such month, and the amount

of hire with which said Board of Prison Commissioner shall be credited and with which the State Road Fund shall be charged. Convicts engaged on State road work may be employed on an average of ten hours a day, but the number of hours per day such convicts may be required to work in any month may vary with the seasons and shall be under the discretion of the Board of Prison Commissioners and the Commissioner of Public Roads.

§ 6. The Board of Prison Commissioners shall not work any convict outside the walls of the prison on road or bridge work who has been sentenced to life imprisonment, until he shall have actually served within the walls of the prison five (5) years of such sentence; nor shall any convict sentenced for rape, attempted rape, detaining a woman against her will, arson, or who has escaped or attempted to escape, or who has violated his parole, or who has been convicted and sentenced to the penitentiary more than twice, but such convicted shall serve their respective sentences within the walls of the prison.

§ 7. The Board of Prison Commissioners shall provide rules and regulations whereby each prisoner engaged in any kind of work shall receive a certain sum each day from his earnings, which sum shall not be less than five cents, nor more than fifteen cents per day, the amount thereof to be determined as may be provided by the Board of Prison Commissioners; provided the funds thus accruing to the credit of any prisoner shall be paid to him or to dependent members of his family at such times and in such manner as the Board of Prison Commissioners may deem best, but at least twenty-five per cent. of such credit shall be left for and paid to each prisoner at the time of his parole or final discharge by the Board of Prison Commissioners; and provided that the warden may, with the approval of the Board of Prison Commissioners, by way of punishment for violation of rules and of propriety, or any other misconduct, cancel or distrib-

ute to the family of the prisoner such portion of such credit as he may deem best. At the end of each month the Board of Prison Commissioners shall certify to the Auditor of Public Accounts the amount due each prisoner for that month, and he shall draw warrant on the State Treasurer for the amount so certified.

§ 8. The Board of Prison Commissioners are hereby vested with full power and authority to provide methods and means of employing all convicts who may be retained within the walls of the prison at any time, but such method or means as may be determined or put into effect shall be submitted to the Governor, who shall approve all plans, methods or means which may be suggested or outlined by said board.

§ 9. The Board of Prison Commissioners are hereby empowered to lease a farm or farms or land immediately adjoining either penitentiary or adjacent thereto for the working of convicts thereon, said leases to be limited to the term of the Governor approving same, and the said Board of Prison Commissioners may prescribe all necessary rules and regulations for the support and maintenance of prisoners while at work on such farm or farms, and the contract price of such lease shall be certified to the Auditor by said board and paid as other claims against the Commonwealth, but no lease so made by said board shall be binding or effective until the same has been submitted to the Governor and shall have been approved by him.

§ 10. With the approval and consent of the Governor, the Commissioner of Public Roads may employ such civil engineers as may be deemed necessary to assist the State Department of Public Roads in the construction of roads and bridges herein provided for, and the salary and expenses of such engineers shall be paid by the Auditor out of the State

Road Fund upon proper certification by the Commissioner of Public Roads and the approval of the Governor.

§ 11. The Commissioner of Public Roads shall execute a bond to the Commonwealth of Kentucky in the sum of ten thousand dollars ($10,000.00) for the faithful performance of his duties and that he will diligently care for any and all property belonging to the State, coming into his hands for use in the construction of roads and bridges, which bond shall be approved by the Governor and filed with the Secretary of State. The Commissioner of Public Roads may require any employe in his department to execute a bond to the Commonwealth of Kentucky, in a sum to be fixed by the commissioner, conditioned for the faithful performance of the duties of such employe, which bond shall be approved by the commissioner and filed with the Secretary of State.

§ 12. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. McMurray offered the following amendment to said bill, viz.:

Amend Senate Bill No. 104 as follows:

By striking out all of Section 9, and then changing the numbers of Sections 10, 11 and 12 to 9, 10 and 11.

Said amendment was disagreed to.

The Committee on State Prisons and Houses of Reform offered the following amendment to said bill, viz.:

Amend Senate Bill 104 in the House by adding after the word "for," in line 4, Section 10, thereof the following:

"Or to assist in the construction of any State aid roads or bridges which are being constructed anywhere in the State."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Chas. L. Hunter	W. A. Price
C. H. Bays	R.B.Hutchcraft,Jr.	J. D. Pumphrey
Frank J. Brown	T. R. Jones	Richard Radcliffe
Glover H. Cary	Wm. J. Kuh	D. S. Richardson
W. P. Cropper	W. T. Lasley	John T. Roach
R. T. Crowe	M. E. Lee	Joe Schneider
H. C. Cummins	Dr. C. W. Mathers	L. M. Smith
S. C. Dobbs	Harry J. Meyers	E. D. Smith
Jas. R. Dorman	Claude D. Minor	Claude B. Smith
W. E. Dowling	S. Montgomery	John W. Snider
William Duffy	B. F. McAtee	Adam Spahn
Odie Duncan	E. B. McGlone	R. C. Tartar
J. R. Durham	C. B. Nichols	D. B. Tyra
C. H. Grimes	S. Mazyck O'Brien	J. Wood Vance
J. S. Hall	William A. Perry	John S. Webb
W. C. G. Hobbs	Geo. L. Pickett	
David J. Howard	A. B. Pieratt	—49

Those who voted in the negative were—

Chas. D. Bratcher	W. G. Gooch	G. B. Moores
G. G. Brashear	W. B. Harvey	W. J. McMurray
W. H. Brown	J. M. Howell	Harry P. Purnell
E. Bullock	J. M. Johnson	Ed. D. Stone
A. S. Cooper	W. H. Jones	J. W. Wall
James S. Cruse	H. Clay Kauffman	Frank M. White
T. T. Gardner	W. R. Lyon	J. D. Wills
Wm. Gearheart	Jacob Metzger	M. O. Wilson

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Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 148. An act to amend Section 331a, Sub-section 1, of an act entitled, "An act to regulate the labor and employment of children and minors and to make the provisions thereof effective," approved by the Governor March 21, 1914.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 331a, Sub-section 1 of Chapter 72, of the Acts of the General Assembly of 1914, being an act entitled, "An act to regulate the labor and employment of children and minors and to make the provisions thereof effective," which act was approved March 21, 1914, be, and the same

is hereby amended by inserting a semi-colon at the end of said section in lieu of the period, and by adding to said paragraph the following language:

"Provided, however, that nothing in this act shall prevent a child under sixteen years of age from being employed to perform or from performing in a duly licensed theater if such child is not an inhabitant or resident of the Commonwealth of Kentucky and at the time of such performance is accompanied by or in the custody, care or control of a parent, guardian, governess, teacher or some other adult custodian who remains in the wings or behind the curtains or scenery in such theater during the performance of such child, and accompanies such child to and from the theater to the child's place of abode while performing at such theater." So that said Sub-section 1 of Section 331a of said act, as so amended, shall read in full as follows:

Sec. 331a. 1. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theater, motion-picture establishment, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever during any part of the term during which the public schools of the district in which the child resides are in session. Nor shall any child under fourteen years of age be permitted to perform in or appear upon the stage of any theater, motion-picture establishment or other place of public amusement, whether for pay or not; provided, however, that nothing in this act shall prevent a child under sixteen years of age from being employed to perform or from performing in a duly licensed theater if such child is not an inhabitant or resident of the

Commonwealth of Kentucky, and at the time of such performance is accompanied by or in the custody, care or control of a parent, guardian, governess, teacher or some other adult custodian who remains in the wings or behind the curtains or scenery in such theater during the performance of such child and accompanies such child to and from the theater to the child's place of abode while performing at such theater.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Frank J. Brown	W. C. G. Hobbs	C. B. Nichols
A. S. Cooper	David J. Howard	S. Mazyck O'Brien
W. P. Cropper	J. M. Howell	W. A. Price
R. T. Crowe	T. R. Jones	Harry P. Purnell
H. C. Cummins	Wm. J. Kuh	Richard Radcliffe
S. C. Dobbs	Dr. C. W. Mathers	Joe Schneider
Thomas A. Dover	Jacob Metzger	Claude B. Smith
W. E. Dowling	Harry J. Meyers	John W. Snider
William Duffy	Claude D. Minor	Adam Spahn
J. M. Elliston	S. Montgomery	R. C. Tartar
L. L. Embrey	G. B. Moores	J. W. Wall
T. T. Gardner	B. F. McAtee	John S. Webb
Frank C. Greene	E. B. McGlone	M. O. Wilson
J. S. Hall	W. J. McMurray	—41

Those who voted in the negative were—

H. F. S. Bailey	C. H. Grimes	John T. Roach
C. H. Bays	R. B. Jackson	L. M. Smith
G. G. Brashear	J. M. Johnson	Ed. D. Stone
E. Bullock	H. Clay Kauffman	J. D. Wills
Henry A. Cannon	W. R. Lyon	
Wm. Gearheart	A. B. Pieratt	—16

Resolved that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

S. B. 6. An act to amend Section 14 of an act entitled, "An act creating Fiscal Courts in the several counties in this Commonwealth," approved October 17, 1892, Chapter 101 of the Acts of the General Assembly of the Commonwealth of Kentucky, of 1892, and said Section 14 being Section 1847 of the Kentucky Statutes, Carroll's Edition.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 14 of an act entitled, "An act creating fiscal courts in the several counties in this Commonwealth," approved October 17, 1892, chapter 101 of the Acts of 1892, and being section 1847, Kentucky Statutes, Carroll's edition, be and the same is hereby amended so that when amended said section shall read as follows:

"But any county in the Commonwealth of Kentucky so desiring it may have three commissioners, to be elected from the county at large, who, together with the judge of the county court, shall constitute the fiscal court of said county. To ascertain whether a county desires a fiscal court composed of three commissioners and a county judge, the county judge of said county (upon application by written petition signed by three hundred and fifty of the legal voters of said county) is hereby authorized, empowered and directed to submit to the qualified voters of the county, at the next general election thereafter to be held, the question, 'Whether the fiscal court of the county shall be composed of three commissioners, to be elected from the county at large, and the judge of the county court.' It is hereby made the duty of the county judge, after receiving said petition, to make an order on his order book, directing the officers of the election in all the voting precincts in the county to open a poll to take the sense of the legal voters in the county upon the question above set forth, and to see that the officers of the election at the respective voting precincts in the county are furnished with poll books at said election for the purposes thereof. The clerk of the county court shall furnish the sheriff of said county with a copy of the order made by the judge of said county court on the order book, and the sheriff shall cause the same to be published in all the county papers not less than four weeks previous to the election, and also to advertise the same by printed hand bills posted not less than two weeks before said election in a conspicuous place in each of the voting precincts in said county. In counties wherein no newspapers are published the handbills shall be sufficient notice of the election; the voting to be by ballot, each ballot to have printed thereon the question, 'Are you in favor of the fiscal court of the county being composed of three commissioners to be elected from the county at large and the judge of the county court?' Said election shall be conducted, the returns thereof made, and the results thereof ascertained and deter-

mined in accordance with the provisions of the law governing general elections. The county judge shall determine the sufficiency of the petition presented from the pool book of the last previous general election. If a majority of the legal votes cast at said election are in favor of the fiscal court of said county being composed of three commissioners to be elected from the county at large and the judge of the county court, it shall be the duty of the county judge, before the next general election for county officers, to divide the county into three districts as nearly equal in population as possible; and at said election there shall be elected in said county by the qualified voters thereof, and every four years thereafter, three commissioners, one from each district, who, with the judge of the county court, shall constitute the fiscal court of the county until otherwise changed by law. The election provided for herein shall not be held in any county in this Commonwealth oftener than once every two years."

Mr. Price offered the following amendment to said bill, viz.:

Amend S. B. 6 by adding to Section 14, as amended by said bill the following as Sub-section 2 of said Section 14:

"The said commissioners shall each be paid out of the county levy, in lieu of fees and in full compensation for his services, as follows: In counties having a population of more than thirty thousand and less than fifty thousand inhabitants, six hundred dollars per annum, payable monthly; in counties having a population of fifty thousand or more and less than one hundred thousand inhabitants, one thousand dollars per annum, payable monthly; in all other counties such compensation as may be provided by law."

Said amendment was agreed to.

Ordered that said bill as amended be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and, as amended, passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	C. H. Grimes	C. B. Nichols
C. H. Bays	J. S. Hall	S. Mazyck O'Brien
Chas. D. Bratcher	W. B. Harvey	A. J. Oliver
G. G. Brashear	W. C. G. Hobbs	William A. Perry
Frank J. Brown	A. B. Holland	A. B. Pieratt
W. H. Brown	David J. Howard	W. A. Price
Glover H. Cary	J. M. Howell	Harry P. Purnell
R. A. Cook	Chas. L. Hunter	Richard Radcliffe
A. S. Cooper	R.B.Hutchcraft,Jr.	D. S. Richardson
W. P. Cropper	T. R. Jones	John T. Roach
James S. Cruse	W. H. Jones	Joe Schneider
H. C. Cummins	Wm. J. Kuh	L. M. Smith
S. C. Dobbs	W. T. Lasley	E. D. Smith
Jas. R. Dorman	W. R. Lyon	Claude B. Smith
W. E. Dowling	Dr. C. W. Mathers	John W. Snider
William Duffy	Jacob Metzger	Adam Spahn
Odie Duncan	Harry J. Meyers	Thomas Spurrier
J. R. Durham	Claude D. Minor	Ed. D. Stone
J. M. Elliston	S. Montgomery	J. W. Wall
L. L. Embrey	John T. Murphy	John S. Webb
Wm. Gearheart	B. F. McAtee	Louis E. Yewell
W. G. Gooch	E. B. McGlone	E. G. Young
Frank C. Greene	W. J. McMurray	—68

There voted in the negative—

J. D. Wills —1

Resolved, that the title thereof be as aforesaid.

Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pumphrey, of the Committee on Rules, called up for consideration a bill of the following title:

H. B. 312. An act for the benefit of the Kentucky Illiteracy Commission, appropriating money thereto and providing a census of adult illiterates.

With Senate amendments thereto.

(For said bill see House Journal of February 29th.)

The amendment as proposed to said bill by the Senate is as follows:

Resolved: That House Bill No. 312 do pass with the following amendment, viz.:

"Amend House Bill 312 and the printed bill by adding thereto:

" 'Section 4,' which shall read as follows:

"There shall be furnished the commission the necessary printing for the conduct of its business in the same manner as other departments of the State are provided therewith, also postage and office supplies."

Mr. Duncan moved that said House Bill 312 and Senate amendment be laid on the table.

The yeas and nays being called for on said motion by Messrs. Roach and W. M. Webb were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	A. B. Holland	Richard Radcliffe
G. G. Brashear	J. M. Howell	D. S. Richardson
Glover H. Cary	R. B. Jackson	Claude B. Smith
S. B. Coleman	J. M. Johnson	John W. Snider
S. C. Dobbs	Wm. J. Kuh	D. B. Tyra
Odie Duncan	W. T. Lasley	John S. Webb
J. R. Durham	Harry J. Meyers	J. D. Wills
T. T. Gardner	B. F. McAtee	Louis E. Yewell
W. G. Gooch	Geo. L. Pickett	
C. H. Grimes	J. D. Pumphrey	—28

Those who voted in the negative were—

C. H. Bays	J. S. Hall	A. B. Pieratt
Chas. D. Bratcher	W. B. Harvey	W. A. Price
Frank J. Brown	W. C. G. Hobbs	Harry P. Purnell
W. H. Brown	David J. Howard	John T. Roach
E. Bullock	Chas. L. Hunter	Lewis Ryans
Henry A. Cannon	R.B.Hutchcraft,Jr.	Joe Schneider
R. A. Cook	T. R. Jones	L. M. Smith
A. S. Cooper	W. H. Jones	E. D. Smith
W. P. Cropper	M. E. Lee	Adam Spahn
R. T. Crowe	W. R. Lyon	Thomas Spurrier
James S. Cruse	Dr. C. W. Mathers	Ed. D. Stone
H. C. Cummins	Jacob Metzger	R. C. Tartar
Jas. R. Dorman	Claude D. Minor	Robt. R. Treadway
Thomas A. Dover	S. Montgomery	J. W. Wall
W. E. Dowling	G. B. Moores	W. M. Webb
William Duffy	E. B. McGlone	Frank M. White
J. M. Elliston	L. T. Neat	M. O. Wilson
L. L. Embrey	C. B. Nichols	E. G. Young
Wm. Gearheart	A. J. Oliver	
Frank C. Greene	William A. Perry	—58

And so said motion was disagreed to.

The question being taken on the adoption of the amendment proposed by the Senate to House Bill 312 and the yeas and nays being called for by Messrs. Oliver and White were as follows:

Those who voted in the affirmative were—

C. H. Bays	J. S. Hall	A. J. Oliver
Frank J. Brown	W. B. Harvey	William A. Perry
W. H. Brown	W. C. G. Hobbs	W. A. Price
E. Bullock	David J. Howard	Harry P. Purnell
Henry A. Cannon	R.B.Hutchcraft,Jr.	John T. Roach
R. A. Cook	T. R. Jones	Lewis Ryans
A. S. Cooper	W. H. Jones	Joe Schneider
R. T. Crowe	Wm. J. Kuh	L. M. Smith
James S. Cruse	M. E. Lee	E. D. Smith
H. C. Cummins	W. R. Lyon	Adam Spahn
Jas. R. Dorman	Dr. C. W. Mathers	Thomas Spurrier
Thomas A. Dover	Jacob Metzger	Ed. D. Stone
W. E. Dowling	Claude D. Minor	R. C. Tartar
William Duffy	S. Montgomery	J. W. Wall
J. R. Durham	G. B. Moores	W. M. Webb
L. L. Embrey	John T. Murphy	Frank M. White
Wm. Gearheart	E. B. McGlone	M. O. Wilson
Frank C. Greene	L. T. Neat	E. G. Young

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Those who voted in the negative were—

H. F. S. Bailey	W. G. Gooch	Harry J. Meyers
Chas. D. Bratcher	C. H. Grimes	B. F. McAtee
G. G. Brashear	A. B. Holland	W. J. McMurray
Glover H. Cary	J. M. Howell	C. B. Nichols
W. P. Cropper	Chas. L. Hunter	S. Mazyck O'Brien
S. C. Dobbs	R. B. Jackson	Geo. L. Pickett
Odie Duncan	J. M. Johnson	A. B. Pieratt
T. T. Gardner	W. T. Lasley	J. D. Pumphrey

Richard Radcliffe	John W. Snider	J. D. Wills
D. S. Richardson	D. B. Tyra	Louis E. Yewell
Claude B. Smith	John S. Webb	—32

And so said amendment was agreed to.

The question being taken on the passage of said bill as amended it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

H. F. S. Bailey	J. S. Hall	A. J. Oliver
C. H. Bays	W. B. Harvey	William A. Perry
Frank J. Brown	W. C. G. Hobbs	W. A. Price
W. H. Brown	David J. Howard	J. D. Pumphrey
E. Bullock	R.B.Hutchcraft,Jr.	Harry P. Purnell
Henry A. Cannon	T. R. Jones	John T. Roach
R. A. Cook	W. H. Jones	Lewis Ryans
A. S. Cooper	Wm. J. Kuh	Joe Schneider
W. P. Cropper	M. E. Lee	L. M. Smith
R. T. Crowe	W. R. Lyon	E. D. Smith
James S. Cruse	Dr. C. W. Mathers	Adam Spahn
H. C. Cummins	Jacob Metzger	Thomas Spurrier
Jas. R. Dorman	Claude D. Minor	Ed. D. Stone
Thomas A. Dover	S. Montgomery	R. C. Tartar
W. E. Dowling	G. B. Moores	Robt. R. Treadway
William Duffy	John T. Murphy	J. W. Wall
L. L. Embrey	E. B. McGlone	W. M. Webb
Wm. Gearheart	L. T. Neat	Frank M. White
Frank C. Greene	C. B. Nichols	E. G. Young
		—57

Those who voted in the negative were—

Chas. D. Bratcher	Glover H. Cary	S. C. Dobbs
G. G. Brashear	S. B. Coleman	Odie Duncan

J. R. Durham	R. B. Jackson	Richard Radcliffe
J. M. Elliston	J. M. Johnson	D. S. Richardson
T. T. Gardner	H. Clay Kauffman	Claude B. Smith
W. G. Gooch	W. T. Lasley	John W. Snider
C. H. Grimes	Harry J. Meyers	D. B. Tyra
A. B. Holland	B. F. McAtee	John S. Webb
J. M. Howell	Geo. L. Pickett	J. D. Wills
Chas. L. Hunter	A. B. Pieratt	Louis E. Yewell

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Mr. Pumphrey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 135. An act to amend an act entitled, "An act to incorporate the Kentucky Confederate Home and provide the maintenance thereof," approved March 27, 1902, amended March 20, 1904, March 21, 1906, March 19, 1910, and March 18, 1912.

H. B. 158. An act to amend and re-enact Section 4203, Kentucky Statutes.

H. B. 112. An act to amend Section 3 of an act approved March 11, 1902, entitled, "An act for the better enforcement of an act," approved March 18, 1894, entitled, "An act whereby the sense of the people of any county, city or town district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," and to amend Section 4 of said act.

H. B. 46. An act making unlawful the use of any statement of fact in any advertisement, which statement is untrue, deceptive or misleading, and providing a penalty for any violation of this act.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the original and enrolled bills which originated in the House to the clerk.

Ordered that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 80. An act to amend and re-enact Section 3483, Chapter 89, Kentucky Statutes, Carroll's Edition, relating to adding or striking off territory of cities of the fourth class, being an act of June 28, 1893, amended March 22, 1902, and previously amended March 24, 1894, and March 17, 1898.

H. B. 110. An act to regulate the organization and operation of assessment or co-operative fire insurance companies.

H. B. 312. An act for the benefit of the Kentucky Illiteracy Commission, appropriating money thereto and providing a census of adult illiterates.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the original and enrolled bills which originated in the House to the clerk.

Ordered that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a resolution of the following title, viz.:

H. Res. 16. Resolution authorizing the exchange of a strip of ground twenty feet wide belonging to Jennie Gentry in the town of Rollington, Oldham county, Kentucky, for a strip of ground in Rollington, Oldham county, Kentucky,

twenty feet wide, and belonging to the State of Kentucky, and used by the Confederate Home.

Whereupon all other business was suspended, and said resolution was read at length and compared in open House, and was found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said resolution.

Ordered that the enrolling clerk deliver said resolution to the Senate.

After a time the enrolling clerk delivered the original and enrolled resolution, which originated in the House, to the clerk.

Ordered that the chief clerk deliver the enrolled resolution, which originated in the House and which has been signed by the presiding officers of the House and Senate, to the Governor.

After a time the chief clerk reported that he had performed that duty.

A message was received from the Senate announcing that they had concurred in resolutions originating in the House of the following titles, viz.:

H. Res. 18. Resolution providing for furnishing Kentucky directories.

H. Res. 12. Resolution providing for the appointment of a commission to investigate the conditions as to feeble-mindedness among the inhabitants of the State of Kentucky.

H. Res. 11. A resolution relating to costs and attorneys' fees in the contest case of S. C. Dobbs against W. C. Allen.

Also that they had adopted a resolution of the following title, viz.:

S. Res. 29. Joint resolution for ministers.

Also that they had passed bills which originated in the House of the following titles, viz.:

H. B. 289. An act to regulate the sale of agricultural and other seeds.

H. B. 104. An act to regulate and control fraternal benefit societies.

Also that they had concurred in the amendments of the House of Representatives to Senate bill, entitled:

S. B. 223. An act prescribing the duties and powers of the Railroad Commission with reference to express companies, steamboats and steamboat companies, telegraph companies and telephone companies.

Also received from the Senate the following in reference to conference on House Bill 65, viz.:

To the House of Representatives:

Resolved, in the refusal of the House of Representatives to concur in the amendment as proposed by the Senate to House Bill 65, and, asking a Conference Committee to be appointed by the Senate, the president of the Senate appointed Messrs. Stricklett, Brock and Leach to compose said committee, to act in conjunction with a similar one appointed from the House of Representatives.

The Committee on Conference to which was referred House Bill No. 65 with Senate amendments thereto reported as follows, viz.:

To the Senate and House of Representatives, session 1916:

We, the Committee on Conference, to which was referred House Bill No. 65 with Senate amendment thereto, report, that the Senate should recede from its action in adopting said amendment and pass said bill as the same was passed by the House of Representatives.

W. A. PRICE,
Chair. of the Conference Committee.
T. T. GARDNER,
ROBERT C. CROWE,
A. E. STRICKLETT,
H. M. BROCK,
J. A. LEACH.

Mr. Pumphrey, of the Committee on Rules, called up for consideration from the orders of the day a bill entitled:

S. B. 85. An act to repeal Chapter 113 of the Kentucky Statutes, Carroll's Edition of 1915, being Sections 4363 and 4535h, inclusive, except Section 4421a and 4421b, and re-enact the same chapter with the articles and sections corrected, re-arranged, simplified, and the repealed sections and parts of sections omitted, and fixing the time of year at which text book adoption shall be made.

Mr. Spahn moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned to meet again on Monday, March 13, at 10 o'clock a. m.

MONDAY, MARCH 13, 1916.

The House was opened with prayer by the Rev. J. T. McGlothlin, Pastor of the First Baptist Church of the city of Frankfort, Kentucky.

The reading of the House Journal of Saturday, March the 11th, was dispensed with.

By the unanimous consent of the House the Hon. M. G. Colson, the Hon. W. H. Southall, the Hon. William McNally, ex-members of this House, were granted the privilege of the floor of the House.

A message was received from the Senate announcing that they had passed bills which originated in the House of Representatives of the following titles, viz.:

H. B. 464. An act to provide for the necessary clerical service for the State Library.

H. B. 179. An act to amend an act entitled "An act creating boards of education for cities of the second class, providing for the election thereof, defining their powers and duties, and repealing all laws in conflict therewith," passed and approved by the General Assembly of the Commonwealth of Kentucky and approved by the Governor on the 19th day of March, 1912, being chapter 137 of the Acts of 1912.

H. B. 20. An act to regulate the practice of veterinary medicine, surgery and dentistry in the State of Kentucky, to license non-graduate veterinarians, to establish a State Board of Veterinary Medical Examiners and to provide penalties for violating the provisions thereof.

H. B. 382. An act to amend section 10 of article 17 of chapter 22, of an Act of the General Assembly of Kentucky, approved March 15, 1906, entitled "An act relating to revenue and taxation."

H. B. 196. An act to repeal section 6 of chapter 62, Acts 1908, entitled "An act to amend an act approved March the 21st, 1906, entitled 'An act to establish a system of State Normal Schools in Kentucky; to create a board of regents for the general management thereof; to create a normal executive council, which shall determine the requirements for admission and graduation and the courses of study for said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance.'"

H. B. 221. An act relating to the election, terms, qualifications, salaries and duties of commissioners to constitute the fiscal court in counties having cities of the first class and providing for clerks and for payment of salaries and expenses, also providing penalties for failure to perform duties.

Also that they had passed a bill which originated in the House of the following title, viz.:

H. B. 222. An act to amend and re-enact section 4692, Kentucky Statutes, edition 1915, relating to State depositories.

With Senate amendments thereto.

Mr. Meyers moved that the House concur in the said Senate amendments to said House Bill 222.

Said motion was agreed to.

(For said bill see House Journal March 2, 1916.)

The amendments as proposed to said bill by the Senate are as follows:

Resolved, that House Bill 222 do pass with the following amendments, viz.:

Insert at the end of section one the following:

"Provided, however, that in the event national banks having a combined capital and surplus in excess of fifty thousand dollars shall be assigned as State depositories, the same shall not be subject to the examination herein provided for."

Amend House Bill 222 by striking out all of lines 8, 9, 10 and 11, except the words "and if" at the end of line 11.

Amend House Bill 222 by striking out in line 5 the words "forty thousand dollars" and insert in lieu thereof "fifty thousand dollars."

Said amendments were concurred in.

The question being taken on the passage of said bill as amended it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. H. Brown	R. A. Cook
Chas. D. Bratcher	E. Bullock	A. S. Cooper
G. G. Brashear	Henry A. Cannon	S. B. Coleman
Frank J. Brown	Glover H. Cary	W. P. Cropper

R. T. Crowe	R.B.Hutchcraft,Jr.	J. D. Pumphrey
James S. Cruse	T. R. Jones	D. S. Richardson
H. C. Cummins	W. H. Jones	John T. Roach
S. C. Dobbs	H. Clay Kauffman	Joe Schneider
Jas. R. Dorman	Wm. J. Kuh	E. D. Smith
W. E. Dowling	Dr. J. E. Lilly	John W. Snider
J. R. Durham	Dr. C. W. Mathers	Adam Spahn
J. M. Elliston	Jacob Metzger	Ed. D. Stone
L. L. Embrey	Harry J. Meyers	R. C. Tartar
T. T. Gardner	S. Montgomery	J. H. Thompson
Wm. Gearheart	B. F. McAtee	Robt. R. Treadway
W. G. Gooch	E. B. McGlone	J. Wood Vance
Frank C. Greene	W. J. McMurray	J. W. Wall
C. H. Grimes	L. T. Neat	John S. Webb
J. S. Hall	C. B. Nichols	W. M. Webb
W. B. Harvey	S. Mazyck O'Brien	Frank M. White
W. C. G. Hobbs	A. J. Oliver	J. D. Wills
A. B. Holland	Geo. L. Pickett	Louis E. Yewell
David J. Howard	A. B. Pieratt	E. G. Young
J. M. Howell	W. A. Price	

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There voted in the negative—

W. R. Lyon —1

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that in pursuance to conference held by the Senate and House of Representatives' conference committees, appointed for the purpose of conferring on Senate amendment to H. B. 65, the said conference committee reporting that the Senate should recede from its said amendment to said House Bill 65, the Senate has acted upon said conference report, has receded from its said amendment to said House Bill 65, and

passed said bill in the same form it passed the House of Representatives.

(For said bill see House Journal of February 24th.)

A message was received from the Senate announcing that they had concurred in House amendment to Senate Bill 223.

Also that they had adopted a resolution which originated in that body of the following title, viz.:

S. Res. 30. Joint resolution asking Governor to limit extra session in event he calls one.

Said resolution reads as follows:

Resolution of the General Assembly asking the Governor, in the event he deems it necessary to call a special session for the purpose of considering legislation touching revenue and taxation, to limit the length of such session to thirty days, as provided in this resolution.

Whereas, many suggestions have been made by the citizens of the State that the Governor should call a special session of this General Assembly to consider questions of revenue and taxation; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That in the event the Governor deems it necessary to call an extra session of the General Assembly for the purpose of considering the enactment of an act relating to revenue and taxation, that the Governor be advised that it is the opinion of this General Assembly that such legislation

could and should be enacted within thirty days after the convening of such special session, if any.

Ordered that said resolution lie on the Clerk's desk.

Mr. Meyers offered the following resolution, viz.:

H. Res. 22. Resolution making the salary of the Clerks of the House of Representatives and the Senate the same as members of the General Assembly.

Said resolution reads as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Chief Clerk and Assistant Clerks of the House of Representatives and Senate be allowed the same per diem, from the beginning of this session, that the members of the General Assembly receive.

And the Auditor of Public Accounts is hereby authorized to draw his warrant upon the treasury of the Commonwealth of Kentucky in favor of said Chief Clerks and Assistant Clerks. To be paid out of any moneys not otherwise appropriated.

Mr. Meyers moved that the rules be suspended and that said resolution be adopted.

Said motion was agreed to.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	J. S. Hall	A. B. Pieratt
C. H. Bays	W. B. Harvey	J. D. Pumphrey
Frank J. Brown	W. C. G. Hobbs	Harry P. Purnell
W. H. Brown	A. B. Holland	D. S. Richardson
Henry A. Cannon	David J. Howard	John T. Roach
Glover H. Cary	J. M. Howell	Joe Schneider
A. S. Cooper	R.B.Hutchcraft,Jr.	E. D. Smith
S. B. Coleman	W. H. Jones	Claude B. Smith
W. P. Cropper	Wm. J. Kuh	John W. Snider
R. T. Crowe	Dr. J. E. Lilly	Thomas Spurrier
James S. Cruse	Jacob Metzger	R. C. Tartar
S. C. Dobbs	Harry J. Meyers	Robt. R. Treadway
Thomas A. Dover	S. Montgomery	F. C. Trivette
W. E. Dowling	B. F. McAtee	J. Wood Vance
J. R. Durham	E. B. McGlone	J. W. Wall
J. M. Elliston	W. J. McMurray	John S. Webb
L. L. Embrey	L. T. Neat	W. M. Webb
T. T. Gardner	C. B. Nichols	Frank M. White
Wm. Gearheart	S. Mazyck O'Brien	Louis E. Yewell
W. G. Gooch	A. J. Oliver	E. G. Young
C. H. Grimes	Geo. L. Pickett	—62

Those who voted in the negative were—

H. Clay Kauffman	Ed. D. Stone	J. D. Wills

—3

And so said resolution was adopted.

Mr. Meyers moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Meyers, of the Committee on Rules, called up the

unfinished business of the previous session, viz.: A bill entitled:

S. B. 85. An act to repeal chapter 113 of the Kentucky Statutes, Carroll's edition of 1915, being sections 4363 and 4535h, inclusive, except section 4421a and 4421b, and re-enact the same chapter with the articles and sections corrected, rearranged, simplified, and the repealed sections and parts of sections omitted, and fixing the time of year at which text book adoption shall be made.

Said bill reads as follows:

Whereas, chapter 113 of the Kentucky Statutes, Carroll's edition 1915, the same being sections 4363 to 4535h inclusive, relates to common schools; and

Whereas, said chapter 113 of the statutes consists of the act of July 6, 1893, with the amendments to the same, which act and amendments were based upon the fundamental fact that the local district was the unit of school administration, and of the act of March 24, 1908, with amendments to the same, which act and amendments are based on the fact that the county is the unit of school administration for many purposes; and

Whereas, the act of March 24, 1908, with amendments thereto have repealed some sections and parts of sections of the act of July 6, 1893, and its amendments; and

Whereas, much confusion has arisen in the administration of the school laws throughout the State because of the uncertainty arising from the facts enumerated; and

Whereas, it is impracticable to secure a decision of the Court of Appeals upon every one of the many questions arising in the effort to administer the schools under two sets of laws differing in their fundamental conception; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter 113 of the Kentucky Statutes, Carroll's edition of 1915, being sections 4363 to 4535h inclusive, except sections 4421a and 4421b relating to common schools be and the same is hereby repealed and the following enacted in lieu thereof:

ARTICLE I.

GENERAL PROVISIONS.

§ 1. Uniform System to be Maintained.—There shall be maintained throughout the State of Kentucky a uniform system of common schools in accordance with the Constitution of the State and this chapter.

§ 2. Common School Defined—Any Child May Attend.—No school shall be deemed a "common school" within the meaning of this chapter, or be entitled to any contribution out of the school fund unless the same has been, pursuant hereto, actually kept, or is under contract to be kept, by a qualified teacher for six or more months in all subdistricts, during the same school year, and at which every child residing in the district, between the ages of six and twenty years, has had the privilege of attending, whether contributing towards defraying the expense or not: Providing, That nothing herein shall prevent any person from attending the common school who will obtain the consent of the trustees and the teachers and pay the required tuition fees.

§ 3. School Year.—The school year shall begin on the first day of July and end on the thirtieth of June.

§ 4. School Month—School Day—Assistant Teacher.—

Twenty school days, or days in which teachers are actually employed in the school room, shall constitute a school month in the common schools of the State; but no teacher shall teach on Saturdays. Teachers shall have the benefit of only such legal holidays as they actually observe. Six hours of actual work in the school room shall constitute a school day; and, under no circumstances, shall the daily session, including recesses and intermissions, exceed nine hours in length. When the attendance exceeds fifty, the teacher may employe during such attendance, an assistant, whose scholarship and competency shall be acceptable to the division board of his educational division. When the school shall require an assistant to serve regularly at a salary, such assistant shall hold a certificate of qualification, and be employed by the division board of his educational division.

§ 5. Pupils to Comply with Regulations—Suspension or Expulsion.—All pupils who may be admitted to common schools shall comply with the regulations established in pursuance of law for the government of such schools. Willful disobedience or defiance of the authority of the teachers, habitual profanity or vulgarity, or other gross violation of propriety or law, shall constitute good cause for suspension or expulsion from school.

§ 6. Sectarian, Infidel, or Immoral Books or Teaching Prohibited.—No books or other publications of a sectarian, infidel, or immoral character, shall be used or distributed in any common school; nor shall any sectarian, infidel or immoral doctrine be taught therein.

§ 7. Certificate Granted to Pupil Who Completes Course —Examination For.—Whenever a pupil of any common school shall have faithfully completed the prescribed course of study, shall have passed a proper examination before the County Board of Examiners, on a series of questions prescribed by

the State Board of Examiners, and paid to the said county board an examination fee of one dollar, he shall be entitled to a certificate of such completion and examination, signed by said county board, and approved by the Superintendent of Public Instruction, who shall affix thereto his official seal. The Superintendent of Public Instruction shall prepare a proper form for said certificate. One such examination shall be held in each county on the last Friday and Saturday in January, and another on the second Friday and Saturday in May of each year.

§ 8. School Houses to Be Used for Public Gatherings.—When a responsible person of any subdistrict may apply to any subdistrict trustee for the use of a school house, to be used when the school is not in session, during school hours or vacations, by any lawful assembly of educational, religious, agricultural, political, or civic or social bodies, organizations or gatherings, and if said subdistrict trustee refuse the use of the same, then the said trustee shall state his cause for refusal in writing, and if a demand, signed by five freeholders of said subdistrict be presented to said subdistrict trustee, then he shall deliver or cause to be delivered, the keys of such school house, to such freeholders, who shall be responsible for the use and care of said school property and of avoidable damages and the return of the key to the teacher of said district, if school be in term session, or to the subdistrict trustee during vacations.

Articles II.

School Fund.

§ 9. What Constitute—Dividend on Bank Stock—Annual Tax—Fines and Forfeitures.—The school fund shall consist of the fund dedicated by the Constitution and laws of this Commonwealth for the purpose of sustaining a system

of common schools therein: (1) The interest on the bond of the Commonwealth for one million three hundred and twenty-seven thousand dollars ($1,327,000.00) in aid of common schools, at the rate of 6 per cent. per annum, payable semi-annually on the first day of January and July of each year. (2) The dividends on seven hundred and thirty-five (now seven hundred and ninety-eight) shares of the capital stock of the bank of Kentucky, representing a par value of seventy-three thousand five hundred dollars (now seventy-nine thousand eight hundred) owned by the State. (3) The surplus, three hundred and eighty-one thousand nine hundred and eighty-six dollars and eight cents ($381,986.08), now due the several counties, and remaining a perpetual obligation against the Commonwealth for the benefit of said respective counties, for which the Commonwealth shall execute its bond, bearing interest at the rate of 6 per cent. per annum, payable annually on the first day of July to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools. Said bond shall be executed by the Governor and attested by the Secretary of State for, and on behalf of the Commonwealth of Kentucky, and when said bond is executed the old bond for three hundred and seventy-eight thousand nine hundred and forty-six dollars and seventy-one cents, being part of said bond, shall be cancelled and destroyed. (4) The interest at 6 per cent. per annum, payable semi-annually, on the first day of January and July, on six hundred and six thousand six hundred and forty-one dollars and three cents ($606,641.03), received from the United States under an act approved March 2, 1891, for which the Commonwealth has executed bond pursuant to an act approved March 12, 1892. (5) The annual tax of twenty-six cents on each one hundred dollars of value of all real and personal estate and corporate franchise directed to be assessed for taxation. (6) Such portions of fines, forfeitures and licenses which may be realized by the State as the amount of taxes for common school purposes bear to the

whole State tax other than for the benefit of the Agricultural and Mechanical College.

§ 10. Common School Fund Shall not be Used for Any Other Purposes.—The foregoing shall constitute the annual resources of the school fund of Kentucky, and shall be paid into the Treasury, and shall not be drawn out or appropriated, except to pay the expenses of the State Department of Education of whatever character or kind, and in aid of common schools, as provided in this chapter.

§ 11. Fund Used for Payment of Teachers, Unless Otherwise Provided.—Except as otherwise expressly provided in this chapter, no part of the common school fund, or of the revenue thereof, shall be used for any other purpose than the payment of teachers of common schools, legally qualified and employed in pursuance thereof.

§ 12. Auditor—Duty of with Relation to Fund.—The Auditor shall keep the accounts in relation to this fund. He shall, once in each month, make a transfer to the credit of said fund of all receipts into the treasury, with the source of each item, for the benefit of the common schools up to the date of such transfer. He shall allow no expenditures on that account beyond the annual revenue of the fund, and shall see that no county draws more than its proper proportions.

§ 13. Net Revenue to Be Distributed—Fees and Expenses Not to Be Paid Out of.—The net revenue of the fund accruing during each school year shall constitute the sum to be distributed. But no fees to county judges or clerks, discount on checks, or other incidental expenses, shall be paid out of the distributable share of the revenue apportioned to any county; but such payment, when allowed by the fiscal court, shall be made out of the county levy.

§ 14. Superintendent to Estimate Share Pupil Entitled to—Duty of Auditor and Superintendent—Surplus Due Counties.—The Superintendent of Public Instruction shall, on or before the fifteenth day of July in each year, ascertain and estimate for the school year the pro rata share to which each pupil-child will be entitled, according to the whole number of such children residing in each county, as shown by the returns of the County Superintendent.

If at the time of making such estimates and apportionment, the census returns of the superintendent for any county have not been made to him, he shall use the census returns made for the previous year. It shall be the duty of the Auditor to furnish the Superintendent of Public Instruction such data as may be needed in making such estimate and apportionment. It shall be the duty of the Superintendent of Public Instruction, as soon as practical, to file such a copy of said estimate and apportionment with the Auditor, and to inform each county superintendent of the amount to which his county shall be entitled. Whatever difference may exist between the estimated and the actual revenue of the school fund for any school year shall be taken into the account of the estimate and apportionment for the succeeding school year. When any district or subdistrict in any school year shall have failed to use all or any part of the money due it for such school year, such district shall be entitled to said money for the next school year, which money shall be used either to extend the school term or to supplement the salary of the teacher or teachers employed to teach such school as may be agreed upon by trustees of such district and the teacher employed to teach therein: Provided, however, That any contract or agreement for the use of any money not used in any previous school year, shall be approved by the county superintendent of common schools.

A detailed statement of the surplus amount to which each county is entitled shall be made out by the Superintendent

of Public Instruction and filed and preserved in his office. The bonded surplus in the State Treasury to the credit of the counties shall bear interest at the rate of 6 per cent. per annum and per capita derived from said interest shall be duly apportioned to the white and colored schools of the county respectively, and be paid as provided in the following section: Provided, That when any county heretofore established out of the territory belonging to a county or counties having a surplus which has not been apportioned among said counties, and when any new county shall hereafter be established out of territory belonging to a county or counties having such a surplus, then the Superintendent of Public Instruction shall apportion such surplus among the original and new counties in an equitable manner.

§ 15. Distributions by Auditor on Warrant of Superintendent—Dates of.—For each school year the Auditor of Public Accounts shall, on the successive warrants of the Superintendent of Public Instruction, distribute the amount of the school fund due each county superintendent of common schools, and the amount due each city, town or village organized as one district to the treasurer of the school board thereof, as follows: On or before the first of October, one-sixth of the whole amount; on or before the first of November, one-sixth of the whole amount; on or before the first of December, two-sixths of the whole amount; on or before the first of January, one-sixth of the whole amount, and on or before the first of February, the residue, including the undistributed surplus; Provided, That if on the first day of October, November or December, the amount in the treasury to the credit of the school fund be insufficient to admit of a full distribution, of the proportion required by this act, then the Auditor of Public Accounts shall, upon the successive warrants of the Superintendent of Public Instruction, distribute the amount of the school fund then on hand, proportionately, without preference

or partiality, to all the counties in the State as heretofore directed.

§ 16. Per Capita of $4.75—Extension of Term—Payment of School Fund.—That whenever the State Superintendent of Public Instruction shall declare a per capita not less than $4.75 nor more than $5.35 per each child in Kentucky between the ages of six and twenty years, who are entitled to same, the school term for the common schools of the State of Kentucky shall be extended from six to seven months, and when said per capita is declared to be over $5.35, said term shall be extended to eight months. The declaration of said per capita as above alone extending said term, but in no event shall the term be less than six months, as now required by law.

When the school term is extended to seven months, the school fund for that year shall be divided into seven equal installments, and when extended to eight months, into eight equal installments. The first six installments are to be paid at same dates as now required by law for six months schools, and when the term is only seven months, the two last months shall be paid for on the second Saturday in March of each year, and when eight months, the two last months shall be paid for the second Saturday of March and the second Saturday of April, respectively.

§ 17. Claim for Damage to Sheep—Surplus to Credit of County School Fund.—At each meeting of the Fiscal Court, the claims for loss or damage to sheep, which have been filed not less than thirty days prior to such meeting, shall be taken up and considered and rejected, or if correct and just, allow the same, or such parts thereof as may be deemed right; Provided, That the Fiscal Court may require additional evidence on any such claims, either by oral testimony or affidavits. Such claims as are allowed shall be filed

with the Auditor, who shall, after the first of January of each year, take up all such claims by counties, and draw his warrants upon the Treasurer in favor of claimant for the amount allowed by the Fiscal Court; Provided, If the amount of the dog tax fund to the credit of any county be not sufficient to pay all claims for such county, the Auditor shall prorate the claims from such county. Any surplus remaining to the credit of a county after all such claims are allowed shall be transferred to the credit of the school fund of such county. (Ky. Stat., Sec. 68a, Sub-section 4.)

Article III.

State Board of Education.

§ 18. Members of Board a Corporation.—The Superintendent of Public Instruction, together with the Secretary of State and Attorney General, shall constitute the State Board of Education. The board thus constituted shall be a body politic and corporate by the name and style of the Kentucky State Board of Education.

§ 19. Property Held and Disposed of for the Benefit of Schools.—The corporation shall take, hold and dispose of real or personal estate for the benefit of the common schools of the State. The bonds, certificates of stock and other evidences of property held by the board for common school purposes shall be in the custody of the chairman, and the place of deposit shall be shown by the records of the board.

§ 20. Superintendent Chairman, and with One Member a Quorum.—The Superintendent of Public Instruction shall be the chairman of the board, and, with one other member may control its corporate action at any regular or called meeting of the board, of which all the members shall have had timely notice in writing.

§ 21. Meetings—How Called.—The board shall meet only on written call of the chairman.

§ 22. Corporate Acts.—The corporate acts of the board shall be attested by the signature of the chairman, and his private seal shall stand in lieu of a corporate seal.

§ 23. Powers and Duties—Standing Committee.—The State Board of Education shall constitute a standing committee, who shall prepare rules, by-laws and regulations for the government of the common schools of the State, which shall be adopted and enforced under the authority and direction of the county superintendents, trustees and teachers; shall prescribe regulations for the management of county teachers' libraries, and prepare suitable lists of books for sub-district libraries with regulations for the management thereof; shall prescribe and publish a public graded course of study for the common schools, specifying the order of studies, and the time to be allotted to each, which course of study shall be observed by the teacher and enforced by the trustees.

§ 24. Course of Study.—The instruction prescribed by the board shall embrace spelling, reading, writing, arithmetic, English grammar, English composition, geography, physiology and hygiene, civil government, United States history, and the history of Kentucky. After July 1, 1893, the nature and effects of alcoholic drinks and narcotics upon the human system shall, in all schools supported wholly or in part by the State, be taught as thoroughly as other required studies to all pupils studying physiology and hygiene as a part of this branch.

ARTICLE IV.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 25. Oath—Bond—Beginning of Term.—The Superintendent of Public Instruction shall take the oath and enter upon the duties of his office, on the first Monday in January after his election, and shall give bond to the Commonwealth, with good security, for the faithful performance of his duties to be approved by the Governor, with at least twenty-five thousand dollars, the bond to be filed in the office of the Secretary of State.

§ 26. Salary—Office Supplies—Clerks and Salaries.—His salary shall be two thousand five hundred dollars per annum; besides which, he shall be entitled to all office fixtures, stationery, books, postage, fuel and lights needed to carry on the work of his office. He shall have power to appoint three clerks, namely: a chief clerk, whose salary shall be fifteen hundred dollars per annum, a first clerk, whose salary shall be one thousand dollars per annum, and a second clerk, whose salary shall be eight hundred and fifty dollars per annum; said salaries to be paid monthly out of the common school fund.

§ 27. Expenses Paid Not Exceeding $500.—The Superintendent of Public Instruction should visit various portions of the State in the interest of the common schools. The necessary expenses thus incurred by the State Superintendent, not to exceed in all five hundred dollars annually while engaged in such work, shall be paid by the Treasurer and charged to the common school fund; and that the superintendent is hereby authorized to make monthly requisitions on the Auditor for such expenses, and that he render an itemized account of the same.

§ 28. State Board of Examiners—Duties of.—The Superintendent of Public Instruction shall appoint two professional educators, who, together with himself, shall constitute a State Board of Examiners, who shall examine all applicants, personally applying to them for certificates of qualifications as county superintendents or for State diplomas or State certificates. The said Board of Examiners shall prepare the series of questions for the examination of candidates for county superintendents, as provided in Section 49 of this act, and also the different series of questions for the examination of teachers as provided in Section 70 of this act and before forwarding to the county superintendents shall submit all of the said series to the State Board of Education for their approval.

§ 29. Office at Seat of Government—Entire Time to be Devoted to Duties.—He shall keep his office at the seat of government in such suitable buildings as may be provided, and shall devote his entire time and attention to the duties of his office.

§ 30. Accounts—Settlements—Changes in County Superintendent.—He shall keep an account of all the orders drawn or countersigned by him on the Auditor; of all the returns of settlements and of all changes in the office of county superintendents, which shall be furnished to the Auditor whenever required.

§ 31. Report of Condition and Prospects of Schools—Printing and Distribution.—He shall biennially, on or before the meeting of the General Assembly, make report of the condition, progress and prospects of the common schools; the amount and condition of the school fund; how its revenue for the two previous school years has been distributed; the amount produced and disbursed for common school purposes from local taxation or other sources and how and for what

the same was expended; an abstract of the county superintendents' reports, the practicable working of the common school system of the State, with suggestions as to any alterations it may require; all of which, together with such other facts, statistics, and information as may be deemed of interest to be known, he shall deliver to the contractor for public printing, and cause to be printed a copy for each school district and for each county and city superintendent of schools in the State, seven hundred and fifty copies for the use of the members of the General Assembly and for exchange with the Superintendents of Public Instruction of other States and five hundred copies for distribution by the Superintendent, according to his discretion.

§ 32. Blind, Deaf, Dumb and Feeble-minded Institutions—Reports Concerning.—The Superintendent in his report shall set forth the objects, methods of admission and other general information concerning the institutions for the blind, the deaf and dumb, and the feeble-minded; and, to aid him in his work, the superintendents of these institutions shall be required annually, by the first day of September, to furnish the Superintendent of Public Instruction with such condensed statement of their respective institutions as it would be profitable to publish.

§ 33. Copies of Records in Office Evidence.—Copies of records and papers in his office certified by him shall in all cases be evidence equally with the originals.

§ 34. Blanks—Documents to be Prepared and Furnished. —He shall prepare suitable blanks for reports, registers, certificates, notices, and such other official documents as may be provided for in this chapter and shall cause the same with such instructions and information as he may deem necessary to a proper understanding and use of them, to be trans-

mitted to the officers and persons intrusted with the execution of the provisions of the school law.

§ 35. School Laws to be Biennially Arranged and Edited.—The Superintendent of Public Instruction shall biennially collect, arrange for publication and index the school laws, omitting all that has been repealed and inserting in its proper place that which is amendatory.

§ 36. County Superintendent or Trustee—Neglect to be Reported—Duty of County Attorney.—It shall be his duty to report any neglect of duty, of any misappropriations of common school funds on the part of the county superintendents or trustees of common schools in this Commonwealth to the county attorney, whose duty it shall be, whenever such neglect of duty or misappropriation of funds shall come to his knowledge, to prosecute such person in the Circuit Court of the county.

§ 37. Publication and Distribution of School Laws and Decisions.—He shall have published for biennial distribution throughout the State, the general school laws of the State, abstracts of the decisions of the appellate courts and of the Attorney General on points of school law and construction thereof, decisions, rules, and regulations of the State Board of Education and of the State Board of Examiners, plans and specifications for building school houses; information and instructions in regard to application of the school law and the management of the common schools, important official and legal periods of the school year, with due notice thereof; and such other important facts and data as may be of interest to the public.

§ 38. Decisions of Questions—Appeal—Opinion of Attorney General.—The Superintendent of Public Instruction shall, at the written request of any county superintendent

of common schools, decide any question of difference or doubt touching the administrative duties of officers and teachers of the common schools in his county. The decision of the Superintendent of Public Instruction shall in such cases be final unless appeal be prosecuted from his decision to the State Board of Education within thirty days. Before rendering such opinion, the superintendent may obtain the advice of the Attorney General, whose opinion in writing, shall be conclusive for the time, and sufficient defense against all parties. The decisions of the Superintendent of Public Instruction, and the opinion of the Attorney General, shall be duly filed and duly recorded in the book kept for that purpose.

§ 39. Gift or Devise to School Fund—Appointment of Agent to Take Charge of—Powers and Duties.—Whenever he shall be informed that any donation, gift or devise of any real or personal estate shall have been made to the common school fund of Kentucky, it shall be the duty of the Superintendent of Public Instruction to appoint some discreet person, who shall take charge of the real or personal estate so granted, devised or donated and sell and dispose of the same, and pay the proceeds into the State Treasury. Before said agent so appointed by the Superintendent of Public Instruction shall proceed to act he shall give a bond, with good security, to the Commonwealth, for the faithful discharge of his duties as agent. Said bond shall be given in the county in which the donor, grantor, or devisor shall have died, or in the county in which the property is situated; the bond shall be executed in, and approved by, the county court. The person so appointed shall make a settlement with the county court of his county, once in each year, and shall pay into the treasury the amount found in his hands after said settlement. The court shall allow said person a reasonable compensation for collecting and paying over said money, not exceeding ten per cent. on the first five hundred dollars, and five per cent. on the residue,

which amount said person shall retain in his hands out of the money collected. For any failure of the person so appointed to discharge the duties under this law, he and his securities shall be liable to all damages sustained, and for all money collected, with twenty per cent. damages on the amount so collected, and which he has failed to pay over. The suit on the bond shall be brought in the name of the Commonwealth of Kentucky, and shall be instituted by the Commonwealth's Attorney or county attorney. The person appointed by the Superintendent of Public Instruction shall have the same power in collecting and settling the estate as an administrator or executor now has by law, may institute and defend all suits in reference to said estate, and sell and convey the real estate by deed. The amount of money paid into the treasury under the provisions of this section shall remain there until disposed of by law, and the treasurer and his sureties shall be liable for the same on his official bond. This section shall apply to all gifts, donations or devises heretofore or hereafter made to the school fund of Kentucky. But the provisions of this section shall not apply to cases where the terms or conditions of the devises, gifts or donations conflict with said provisions; but, in such cases, the terms or conditions of the devise, grant or donation shall be carried out as intended by the person making the same.

§ 40. Books and Papers to be Delivered to Successor—Penalty.—Upon retiring from office, the Superintendent of Public Instruction shall deliver to his successor all books, papers and effects belonging to the office, and on failure to do so shall be fined in a sum not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the Franklin Circuit Court.

§ 41. State Superintendent to Act as State Inspector and Examiner of Schools—Salary—Assistants—Power—Duties.—The State Superintendent of Public Instruction be,

and is hereby, authorized to act as Special State Inspector and Examiner of all schools in cities, towns and counties in the Commonwealth, receiving funds directly or indirectly from the State or said cities, towns and counties. The State Superintendent of Public Instruction, before entering upon this special duty shall take an oath before some one qualified to administer the oath, to faithfully and diligently perform the duties of this office and shall execute bond with good and sufficient security, to be approved by the Governor, in a sum not to exceed ten thousand dollars, which bond shall be filed with the Secretary of State.

The Superintendent of Public Instruction shall receive annually for such special duty the salary of $1,500.00, payable monthly out of the State School Fund.

He shall have power to appoint two assistants at salaries of one thousand dollars per annum, and all necessary and contingent and traveling expenses for himself and his assistants, when on business pertaining to these official duties. He shall be allowed not to exceed two thousand dollars per annum for additional clerk hire for this department, in connection with the State Department of Education, that the State Department may be made more efficient in the conduct, supervision, management and inspection of the schools and school revenues of the Commonwealth. These salaries and necessary expenses thus incurred shall be paid by the Treasurer and charged to the common school fund, and the Superintendent is hereby authorized to make monthly requisitions on the Auditor for such salaries and expenses and that he render an itemized account of the same.

§ 42. Bond to Be Given by Assistant Inspectors.—The assistants appointed by the Superintendent may be required by him, subject to the approval of the State Board of Education, to make such bond as they may deem sufficient to faith-

fully and diligently perform, under the direction of the State Superintendent, such duties as he may assign them, either in the office of the Superintendent, or on business pertaining to the official inspection duties. Such bond shall be filed in the office of the Superintendent of Public Instruction.

§ 43. Power to Inspect School Funds and Management of all Schools.—It shall be the duty of the State Superintendent as Special Inspector, by and through the co-operation of his assistants, to inspect and examine into the fiscal management and conduct of the office of all school officials, whose duty it is to receive, handle or disburse the public school funds either directly or indirectly and to compel an account of said school officials. The said inspector shall have power to examine into the management of public schools supported in whole or in part by the State and to see that the school laws, rulings, regulations and all by-laws of the State Board of Education are enforced and operative in such a way as to best and most equitably distribute the educational equipment of the State and to make the public school system of the State a more efficient system.

§ 44. May Issue Process to Compel Attendance of Witnesses—Penalties.—He shall, at all times, have access to the papers, books and records of any and all teachers, trustees, superintendents or other public school officials, and shall have power to issue process and compel attendance of witnesses before him and to administer oaths to and to compel witnesses to testify in any of the investigations he is authorized to make, and upon the failure of any witness to attend or testify without legal excuse, he shall be deemed guilty of a misdemeanor and upon conviction, fined not to exceed $25.00 for each offense. He shall have power to clothe his assistants with full power of attorney to act for him as Inspector.

§ 45. Report of Misconduct to County or Common-

wealth Attorney.—When he or his assistants shall find any mismanagement, misconduct, violation of law, or wrongful or improper use of any County or State School Fund, or neglect in the performance of duty on the part of any school official, he shall report any and all such violations of the school laws when discovered to the State Board of Education, whose duty it shall be, through the State Superintendent, as Special Inspector, or one of his assistants, to call in the assistance of the County Attorney or Commonwealth's Attorney in the county or district where such violation occurs to assist in the indictment, prosecution and conviction of the accused, or if indictment, prosecution and conviction are not warrantable, he shall report such neglect or misconduct to the State Board of Education who shall have power to rectify and regulate all such matters.

Article V.

County Superintendent.

§ 46. Qualification—Examination—Fees—Cities of the First Class.—There shall be a county superintendent of common schools in each county of the State, who shall be possessed of good moral character and ability to manage the common school interests of the county efficiently. He shall possess a good English education and shall be competent to examine the teachers who shall apply to teach the common schools in the county. He shall be twenty-four years old at the time of qualifying, a citizen of Kentucky, shall have resided two years next preceding the election in this State and one year in the county for which he is a candidate. No person shall be eligible to the office of county superintendent unless he shall hold from the State Board of Examiners a State diploma or a State certificate which will not expire during his proposed term of office; or a certificate of qualification which shall in all respects be the equivalent of a State certificate is-

sued by the State Board of Examiners, on a personal examination held at the State Capitol on the last Friday and Saturday in May and June next preceding the election of county superintendents. The fee for such an examination shall be five dollars and shall be divided among the members of the State Board of Examiners; the said certificate shall not entitle the holder thereof to teach in the common schools of the State. In counties embracing any city of the first class and maintaining a system of public schools separate and distinct from the common schools of the county, no person shall be eligible to the office of county superintendent other than a resident of such county outside of such city or town. No person shall be eligible to hold the office of county superintendent excepting such county superintendents as are now in office and such persons as have obtained a State diploma or State certificate issued by the State Board of Examiners or a certificate as is herein provided for.

§ 47. Who May Not Hold Office of County Superintendent.—No County Judge, Justice of the Peace, Circuit Clerk, County Clerk, County Attorney, County Surveyor, Sheriff, Coroner, Assessor, Trustee of a common school district, or a teacher while engaged in teaching in any kind of a school, shall hold the office of County Superintendent, and the County Superintendent shall devote his entire time and attention to the duties of his office.

§ 48. Election of County Superintendent.—The County Superintendent shall be elected by the qualified voters of each county, qualified to vote in all school elections at the regular November election, provided by law and shall hold his office for four years from the first Monday in January following his election or until the election and qualification of his successor. The County Superintendent shall be elected and the vote canvassed and the result certified by the same officers and in the same manner as in the election of other

county officers and within ten days after the election, the clerk of the county court shall forward a copy of the certificate of election to the Superintendent of Public Instruction. In case of controverted right to the office of County Superintendent, the Superintendent of Public Instruction shall have power to recognize a superintendent from among the contestants until the case has been settled; provided, that in counties containing cities of the first or second class, maintaining a system of public schools separate and distinct from the common schools of the county, the County Superintendent shall reside in the portion of the county outside of such city or cities and be elected by the qualified voters of said county residing out of such city or cities.

§ 49. Bond to be Executed.—Before entering upon the discharge of his duties each County Superintendent must enter into a covenant before the county court of the county to the Commonwealth of Kentucky, with sufficient security in not less than an amount which shall not exceed twice the amount of money that he shall receive at any installment from the State Treasury, as common school funds, for the faithful discharge of his duties, and the said bond shall be renewed each year. Said bond shall be given in duplicate, one copy to be kept on file in the office of the county clerk, and the other to be forwarded by the county clerk to the Superintendent of Public Instruction. It shall be the duty of the county clerk in forwarding the bond made by the County Superintendent at the time of assuming the duties of his office, to also forward to the Superintendent of Public Instruction a certified copy of the order of the court inducting the said superintendent into office.

§ 50. Salary of Superintendent.—In counties listing less than one million dollars in taxable property for State and county taxation, the salary of the superintendent shall not be less than $400.00 or more than $1,500 per annum; in coun-

ties listing one million dollars or more, his salary shall not be less than $600.00 nor more than $2,500.00.

Said salary shall be paid monthly by the Fiscal Court out of the county levy, as it is now paid.

The said salary shall be based on the number of children reported in the census report of the subdistrict trustees of such county, which salary shall not be less than 8 cents nor more than twenty cents for each pupil thus reported. In fixing the salary of the said superintendent no child shall be counted or enumerated who is under a city school superintendent of a city of the first, second, third or fourth class.

Before the Fiscal Court shall allow the salary, it shall be satisfied from the statement subscribed and sworn to by the superintendent, and from such other evidence as may be adduced, that he has visited the schools of the county and that said services have been faithfully and efficiently performed according to law.

In his report to the State Superintendent of Public Instruction, the said superintendent shall state the full amount allowed him by the Fiscal Court for his official services.

Said salary shall be allowed the superintendent for all services rendered and expenses incurred by him under the provisions of this law; and the Fiscal Court shall furnish the county superintendent with a suitable office free of charge, large enough to accommodate the county teachers' library and the assistants in his office.

§ 51. Census Report of School Children—Notice of Change in District Boundaries.—It shall be the duty of each county superintendent on or before the first day of June of each year, to prepare, mail to, and cause to be placed in the

hands of the Superintendent of Public Instruction a report certified by the county judge or clerk, that the report is a correct statement as shown from the census on file in the office of the clerk of the county court, showing the whole number of children, between the ages of six and twenty years, residing in his county, and the whole number residing in each subdistrict, including each city and each independent district described by its number; and he shall be individually responsible to the county board of education by reason of any error made by said superintendent in reporting the census thereof. He shall superintend the census taken during the month of April by the trustees, and not later than the twentieth of March of each year shall notify the trustee that the boundaries of the subdistrict are as recorded for the past year in the trustees' register, or if any charges have been made shall give to the trustee exact notice of such charges, and in due time see that the said charges are included in the description of the boundary entered in the trustees' register. At the time of such notice he shall give the said trustees printed or written instructions for taking the census; caution him against reporting persons not legally belonging thereto, and calling his attention to Section 94 of this act. He shall base his report upon the census taken during the month of April, and reports thereof made to him by the subdistrict trustees, and if such reports are not in from the subdistrict by the tenth of May, the county superintendent shall take, or have the census of such subdistrict taken, the cost of which shall be paid out of the county levy, and the Fiscal Court may recover from the delinquent trustee the amount so paid.

§ 52. Duties as to Condemnation of School Houses and School Visitation.—He shall condemn any school house which is dilapidated, unhealthy, or otherwise unfit to be occupied for the purpose of a common school, and any fence or other inclosure of a school house when such inclosure is for any reason insufficient for the protection of the house or grounds.

He shall condemn all school furniture or apparatus insufficient in quantity or not of the required character, and order the same replaced with the proper furniture and apparatus as prescribed in Section 115 of this act. He shall, within thirty days after such condemnation, notify the county board of education in writing. He shall at least once a year make an official visit to each subdistrict school of his county, but shall not make more than three such official visits in any one day. At the time of such visit, he shall note in a book, to be kept for that purpose, the number of pupils in attendance; the number absent, and the cause of absence; the names of children unable to purchase books; the conditions of the school house, furniture, apparatus, grounds and appurtenances; the qualification and efficiency of the teacher; the conduct and standing of the pupils; the method of instruction; the discipline and government of the school. In the visits to the school he shall advise with the teachers and give them such instruction regarding discipline and teaching as he may deem necessary. He shall counsel the trustees and see that they discharge their duties especially in securing full and regular attendance. He shall admonish the teacher found remiss of duty in the matter of cleanliness of house, preservation of furniture and necessary ventilation and complain to the trustees in case of gross neglect of duty in these respects. He shall examine the teacher's register and grade book, and the trustees' register; if the boundary of the district is not correctly given, he shall write it in said book himself, see that the records are properly kept, and the boundary of the district, the contract with the teacher, the levy of a tax, if any, and the official visits and proceedings of the trustees are properly recorded, and by every means in his power strive to promote and advance the cause of common schools.

§ 53. Text Books for Indigent Children—Supplied by County Judge—Duties of Superintendent.—It shall be the duty of each county superintendent, before the opening of the

schools each year and from time to time by personal observation, or from trustees and teachers and otherwise, to ascertain the number and cost of text books upon each of the common school branches needed by the indigent children of each subdistrict and of the county for use in common schools, and shall report to the county judge the number and kind of books needed, when the county judge shall purchase the books and pay for them by an allowance made by the fiscal court of the county; the county judge shall turn them over to the county superintendent for distribution, taking receipt for the number and value of the books, but the cost of said books shall not exceed in the aggregate two hundred dollars in any county per annum. It is hereby made the special duty of the county and city school superintendents of common schools to report to the county judge the names of all such indigent children furnished them by trustees, and to see that the provisions of this section are faithfully executed.

§ 54. Superintendent and Trustees to Report Additional Facts.—County superintendents and trustees of common schools shall report facts additional to those now required to be reported, whenever, in the judgment of the board or of the Superintendent of Public Instruction, the interest of the common schools of the State shall indicate the necessity therefor.

§ 55. Teachers—Payment of—Cities Organized as Single Districts.—Each county superintendent of common schools shall, on the second Saturday in October, reckoning school months at twenty days, pay the amount due each teacher of a common school for the month or months completed, but not for any fraction of a month, except as provided in section 189 of this act, on the certificate of the trustee for the subdistrict and the chairman of the educational division that the school has been legally taught for that period; and thereafter the county superintendent shall, on the second Saturday of each calendar month, pay the salary due each teacher of a common

school for the previous school month or months not previously paid for, on the certificate of trustee for the subdistrict and the chairman of the educational division that the school has been legally taught for the period specified: Provided, that all of said payments shall be made to the teacher personally or on written order, and that last payment shall be made for the entire balance due the teacher, including the undistributed surplus and interest on the county bond; and that any teacher who may violate his contract with the division board by refusing to continue his school shall forfeit any fractional salary that may be due him. In cities and towns organized as single districts, and reporting direct to the Superintendent of Public Instruction, the provisions of this section shall apply equally, or such city or town may receive in January the whole amount due it if it shall so desire. In either case the president or chairman of the school board of such cities or towns shall make the report required of them by law, under oath, direct to the Superintendent of Public Instruction, and he shall draw his warrant on the Auditor of Public Accounts in favor of the Treasurer of such school board, which, when approved and countersigned by the Superintendent of Public Instruction shall entitle such treasurer to a warrant on the treasury of the State for the amount thereof; and the said treasurer and securities shall be accountable for the same upon his official bond, in any action by such school board, of which the Superintendent of Public Instruction shall be officially notified.

'§ 56. Superintendent—Punishment for False Report.—Any county superintendent who shall knowingly and wilfully report to the Superintendent of Public Instruction a number of common schools as having been taught in his county, greater than the number of such schools actually taught therein, according to law, or a number of children entitled to tuition in his county, greater than the actual number of such children, or otherwise knowingly or wilfully misstate any fact or facts which he is, or may be hereafter, required by law to report to

the Superintendent of Public Instruction, shall be deemed guilty of a felony, and, upon conviction thereof, be fined in a sum not less than two hundred nor more than five hundred dollars, or imprisoned in the penitentiary not less than one nor more than ten years, or both fined and imprisoned in the discretion of the jury, and be removed from office. And all sums recovered from him by due process of law, or by voluntary surrender of the excess taken by him, shall be paid into the school fund.

§ 57. Settlement with County Judge—Money not Paid out Returned to Treasurer—Penalty—Duty of County Judge. —Each County Superintendent shall on or before the first day of August, annually settle his accounts for the previous school year with the county judge of his county and forward a copy of said settlement, certified by the clerk of said court to be correct, to the Superintendent of Public Instruction. Said settlement shall embrace all sums received since the date of his last settlement by said county superintendent for the benefit of common schools taught during the school year; a full statement of all such sums paid out by him, for what, to whom, and when paid; and should any part of said fund received by him as aforesaid remain uncalled for, and not be paid out, he shall immediately refund said amount to the State Treasurer, stating why it was not paid out and at the same time notify the Superintendent of Public Instruction that he has refunded the said amount, that he may give said county superintendent proper credit on his books for said amount refunded. The receipt of the Auditor for money refunded shall be sufficient voucher with the county judge in said settlement. Should a copy of such settlement fail to reach the Superintendent of Public Instruction by the tenth of that month it shall be his duty to notify the county judge and the delinquent county superintendent of the fact; and upon receiving such notification it shall be the duty of the judge, in case the settlement shall not have been made, immediately to compel a settlement

by attachment, as in cases of contempt, and a copy thereof to be forwarded to the Superintendent of Public Instruction. For his willful failure to pay out to those entitled hereto any money in his hands for the space of thirty days after the same shall be received by him, or for his wilful failure to make the aforesaid settlement by the time required by law, the county superintendent shall be guilty of misdemeanor and being indicted and convicted thereof he shall be fined in a sum not less than one hundred nor more than five hundred dollars, as well as remain liable on his official bond, and may be removed from office.

§ 58. Report to be Made Annually—Penalty of Failure. —He shall, on or before the first day of August, prepare and mail, and cause to be placed in the hands of the Superintendent of Public Instruction, his official report, showing in tables of details and aggregates, the school subdistricts of his county by number, the name and address of the trustee of each subdistrict, with date at which each one's term expires; the subdistricts in which school were taught, and the length of time taught; the highest, lowest, and average number of children at school; the cost of tuition of each child for the session and per month; the number of private schools, academies and colleges taught in the county, and length of session of the same; the number of teachers employed—male, female and total—for the common schools; the average wages for male teachers, female teachers, and total teachers per month; the name and address of teachers resident in his county, with grades of certificate of each; the amount of money raised for common school purposes in the county, by local tax or otherwise, and for what the same was disbursed; the number and kind of school houses, and the value of each; the number of school houses and the value of each; the number of subdistrict libraries, also county library, if any, and number of volumes in each, and the increase during the year; the amount he has received for official compensation and expenses. For willful failure to be present at his office

at the time appointed to receive reports, or for failing to make the reports herein required, he shall be fined a sum not exceeding fifty dollars.

§ 59. Record of Official Acts Subject to Inspection.—Each county superintendent shall keep a detailed account of all money received and disbursed by him; a record of all business transacted by him as county superintendent, together with the reports of the trustees; the names, numbers and description of school subdistricts, and all other papers and documents connected with his office, at all times subject to inspection and examination by any school officer or other person interested in any question pertaining to the common schools.

§ 60. Devise or Gift to Schools of County—Duty Concerning.—Any devise, gift or donation of any real or personal estate in aid of the common schools of any county of this State shall be held in trust by the county superintendent, and he shall be required to make settlement in regard thereto, in the same manner in which, and at the time when, he makes settlement in regard to the money received from the revenue of the school fund; and he shall send a copy of such settlement to the Superintendent of Public Instruction.

§ 61. Oath May Be Administered By.—A county superintendent may administer the oath required of a trustee or of a teacher of common schools, or other persons required to make oath in matters relating thereto.

§ 62. Administering Oath to Trustees—Record Concerning—Notice.—He shall administer the oath of office to trustees-elect applying to him for that purpose; but it shall be lawful for any justice of the peace, or other person authorized to administer oaths, to administer the oath of office to any trustee; but said oath shall not be valid unless reported in writing to the county superintendent by said justice or other person

within ten days from the time when administered. He shall make a record of the names of trustees then qualified, showing the subdistricts in which they were elected, and the postoffice of each. He shall, at the time, deliver to the trustee of each subdistrict such blanks as they will need for the coming school year, and give such information with regard to their duties as may be requested. He shall address all official correspondence to the trustees. Notice to them shall be regarded as notice to the people of the subdistrict, and it shall be the duty of the trustee to notify the people.

§ 63. Attendance at Office.—It shall be the duty of the county superintendent to be in attendance at his office, at the county seat, on the second Saturday of each month, and at such other times as may be necessary, to transact his official business.

§ 64. Penalty for Buying Teachers' Claim or Acting as Text-Book Agent.—No county superintendent shall be allowed to buy, for himself, or another, any teacher's claim, directly or indirectly, or to act as agent for the sale of any text book. Any superintendent guilty of violating this section shall be fined not less than one hundred nor more than one thousand dollars for each offense.

§ 65. Teacher or Trustee After Notice May Be Suspended or Removed.—For incompetency, neglect of duty, or immoral conduct, or other disqualification, the county superintendent may suspend or remove from office any trustee or teacher of any school under his supervision. But before a county superintendent shall suspend any trustee or teacher he shall give said trustee or teacher at least five days' notice of the charges made against him, and give the trustee or teacher an opportunity to produce evidence, and defend any action against him.

§ 66. Questions Concerning Schools in County Decided By—Appeals.—The county superintendent shall decide all questions of difference or doubt touching the administrative duties of the officers and teachers of common schools in his county; but appeals from his acts and decisions may be had, on petition of any interested person, to the Superintendent of Public Instruction. The county superintendent shall conform to such reasonable rules and requirements as the Superintendent of Public Instruction shall, from time to time, prescribe and announce to them.

§ 67. Vacancy in Office—How Filled—County Court May Remove—Appeal.—In case of death, removal or resignation, refusal to serve or inability of the county superintendent elected to give the bond required or to perform the duties of the office, a successor shall be appointed or elected as follows: If the unexpired term will end at the next succeeding annual election, or, if the unexpired term will not end at the next succeeding annual election, and three months intervene before said annual election, the county judge of each county is authorized to appoint a successor, duly qualified according to section 46 of this act, to continue in office until the next succeeding annual election, when one shall be elected for the unexpired term. If the unexpired term does not end at the next succeeding annual election, and three months do not intervene between the happening of said vacancy and the next succeeding annual election, the county judge shall appoint a successor of said qualification to continue in office until the second succeeding annual election, when one shall be elected for the unexpired term. In case of a vacancy in this office, the county judge shall, as soon as practicable, notify the Superintendent of Public Instruction, and request him to appoint a day and furnish questions for an examination to fill said vacancy; and the said examination shall be conducted in a manner prescribed by law. The county court may, at any regular term, after ten days' notice, remove a county superintendent for inability

or habitual neglect of duty or malfeasance in office. An appeal to the circuit court may be taken from the order of the county court removing the superintendent, and from the circuit court to the Court of Appeals, as in civil actions.

§ 68. Books and Effects to be Delivered to Successor—Settlement—Penalty.—Each county superintendent when he resigns, vacates, is removed or goes out of office, shall immediately thereafter deliver to his successor, or the county court clerk for him, any money, property, books, effects or papers remaining in his hands as county superintendent, and within ten days shall settle with the county court, and for failure to do so shall be fined not less than fifty dollars nor more than one hundred dollars. It shall be the duty of the county clerk to forward a certified copy of said settlement to the Superintendent of Public Instruction.

§ 69. Superintendent of Schools and Clerk to Furnish Boundary to Company.—It shall be the duty of the county superintendent of county schools in each county in which a railroad or bridge is operated to furnish, on or before the first day of July in each year, to such railroad or bridge company or companies the boundary of each graded or common school district through or into which any part of such railroad or bridge or other railroad or bridge property in situated; and the county clerk of any county containing any other taxing district through or into which any railroad or bridge is located shall make a similar report to such railroad or bridge company. Any county superintendent or county clerk failing to make report as herein required, or who shall make false report, shall be deemed guilty of misdemeanor and upon conviction shall be fined not less than fifty nor more than one hundred dollars for each offense. (4099, Ky. Statutes.)

§ 70. School Tax Paid to Superintendent.—All taxes against any railroad or bridge company which shall be levied

in any common school district, shall be paid by said railroad or bridge company to the Superintendent of Common Schools of the county, for the benefit of the district entitled thereto. (4100 Ky. Statutes.)

§ 71. White and Colored School Districts.—The provisions of this law shall not be construed to apply to any colored school district; provided, that the same rate of taxation assessed against the real estate of any railroad or bridge company or corporation in any graded school district or common school subdistrict in any year, shall be assessed against all of the taxable property, in such district or subdistrict, and the railroad or bridge tax, when collected, shall be paid over to the County Superintendent of the county in which the district or subdistrict school house wherein the tax assessed shall be situated, and shall constitute and be held by the County Superintendent as a graded or common subdistrict school fund; and the said fund shall be apportioned and distributed by the County Superintendent between the white graded common school or white common school subdistrict wherein said tax shall be collected and any colored common school district which shall be located over the same boundary; the distribution shall be in the same ratio that the whole number of white children of pupil age and the whole number of colored children of pupil age residing in the district or subdistrict shall bear to the whole number of children, white and colored, residing in the district wherein such tax shall be collected. (4101 Ky. Stat.)

§ 72. Rate of Taxation—Bridges—Auditor to Notify Clerks.—The same rate of taxation for State purposes which is or may be in any year levied on other real estate, shall be and is hereby levied upon the value, so found by said board, of the railroad, bridge, rolling stock, and real estate of each company; and the same rate of taxation for the purposes of each city, town, part of a county, or tax district,

of any kind, in which any portion of any railroad bridge is located, which is, or may be in any year levied on other real estate of said company therein and of the number of miles of said road, therein, reckoned as of the value of the average of each mile of such railroad, with its rolling stock, as ascertained as aforesaid; Provided, That railroad bridges, spanning any river which constitutes the boundary or State line of the Commonwealth, shall be assessed as of the counties in which they are located and the local tax derived therefrom shall be applied to each city, town, county or tax district in which said bridges are or may be located. And immediately after said board shall have completed its valuations each year, the Auditor of Public Accounts shall notify the clerk of each county court of the amount so assessed for taxation in his county, and each railroad or bridge company of the amount of the assessment for taxation for State purposes and for the purpose of such city, town, county, part of county and tax district.

ARTICLE VI.

§ 73. County Board of Examiners—Appointment and Qualification—Oath.—The County Superintendent shall appoint two strictly moral and well-educated persons, holding county certificates of the first class, State certificates, State diplomas or diplomas from some literary institution of high learning, who; together with himself, shall constitute a board of examiners for the county. No person shall be eligible as examiner on said county board who is the husband or wife of the superintendent or at the time or for six months previous thereto has been conducting or teaching in any school, college or university where teachers or those preparing to teach are making preparations to be examined for certificates to teach in the common schools of this State. Before they shall be authorized to act in any capacity as such board, or grant any certificates, said examiners shall take and

subscribe to an oath that they will faithfully discharge their duties as required by the common school law, and the said affidavit shall be filed in the office of the clerk of the county court.

§ 74. Certificate to Teachers—Affidavit—Penalty.—All applications for teachers' county or State certificates, or State diplomas in the Commonwealth of Kentucky, immediately before entering upon examination shall subscribe to the following oath, which shall be presented to them by any of the board of examiners, viz.: "I do solemnly swear (or affirm) that I have not had access, directly or indirectly, to the State Board or other questions to be used in this examination, and that I have no personal knowledge of any unlawful usage of the aforesaid questions by any other person or persons, which knowledge I have not communicated to the grand jury, county attorney or County Superintendent of Schools of the county in which the aforesaid person or persons did unlawfully use or attempt to use said questions."

The Superintendent of Public Instruction shall furnish each County Superintendent in the Commonwealth with a sufficient number of copies of the oath prescribed in this act, printed on sheets with blank space below for names and addresses of applicants. Each copy, after being subscribed to by applicants as provided in this act, shall be dated and signed officially by the Board of Examiners and preserved in the office of the Superintendent of Public Instruction or County Superintendent of Common Schools as a public record.

Any Superintendent of Public Instruction or County Superintendent of Common Schools or Board of Examiners for teachers' county or State certificates or State diplomas failing to comply with the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall

be fined in a sum not less than fifty dollars nor more than one hundred dollars for each offense.

§ 75. Penalty for Improperly Granting Certificate.—Any County Superintendent or County Examiner who shall knowingly grant to any immoral person, or to any person under the prescribed age, a certificate to teach in the common schools, or who shall permit any one to take an examination who is under the prescribed age prior to the date of examination, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars for each offense. If there should be any doubt as to the age of an applicant, the superintendent may require the applicant to take and subscribe to an oath as to his age before entering the examination.

Any County Superintendent, County Examiner, printer, officer of State or county, or any other person who shall sell, barter, give or furnish, or procure to be sold, bartered, given or furnished, to any applicant for a certificate, or to any other person, or any other person who shall have in his possession unlawfully, or in any way not provided by law, any question or questions prepared or sent out by the Superintendent of Public Instruction or the State Board of Examiners, for the examination of persons applying for such certificate or in any way dispose of such question or questions, except in the manner provided by law, shall be guilty of a felony and shall upon conviction be punished by confinement in the penitentiary not less than one year nor more than two years. Any applicant for a State diploma, State certificate or county certificate who shall either give or receive any assistance in answering any question during any examination for such certificate shall be guilty of a misdemeanor and upon conviction shall be punished by expulsion from examination.

ARTICLE VII.

DISTRICTS.

§ 76. County to Compose School District—Excepting.—Each and every county in this Commonwealth shall compose one school district, excepting that where there is a city or town in any county which maintains a separate system of public schools, then the balance of said county outside of such city or town district shall constitute a school district.

§ 77. Educational Divisions—Graded Schools—Number of Children in District.—Within thirty days after this act goes into effect the County Superintendent of Schools, the county judge and the county attorney in each county of the Commonwealth shall meet at the courthouse of their respective counties, upon the call of the County Superintendent of Schools, and shall divide each county school district, as provided in Section one, into educational divisions containing as nearly as possible an equal number of children of school age, including both white and colored children, as shown by the last census of school children, and in each county the said officers may make, as may seem expedient, either four, six or eight of such educational divisions, and in fixing the boundaries of said educational divisions, they shall be made to follow, as nearly as practicable, the boundaries of existing school districts for white children. They shall have the power to change the boundaries of educational divisions whenever such change becomes necessary. The county judge, County Superintendent of Schools, and county attorney shall then subdivide each of the said educational divisions into school subdistricts, following as nearly as practicable the boundaries of existing school districts for white children; Provided, That any graded common school districts that may exist in any educational division or that may hereafter be established according to law, whether operating under special charter

or established by popular vote, as provided for in the laws relating to the graded common schools, and school districts now operating within municipal districts established and corporated under special charter and supplementing the State school fund by local tax of not less than twenty cents on each one hundred dollars of assessed valuation of property, shall retain their present boundaries and be exempt from the provisions of this act. The provisions of this act shall not apply to any graded school district created by special act and having a school fund other than that provided by general law. The boundaries of any such school subdistrict as above fixed shall include all children, both white and colored, residing in said subdistrict, and said subdistrict shall not include, except in cases of emergency, fewer than fifty white children of school age, not in any case fewer than twenty-five such children subject to approval of the State Board of Education.

§ 78. School Districts May be Made.—The county board of education shall have full power, when necessary, to lay off or establish new school subdistricts, or to change the boundaries of those already established.

§ 79. Subdistricts—Concerning—Districts Parts of Two Counties.—With the concurrence of the county boards the County Superintendents of two or more adjoining counties, where the division line intersects a neighborhood whose convenience requires it, may lay off a subdistrict composed of parts of these counties. The selection and payment of teachers and control of such subdistricts shall be lodged in the county board of the county in which the school building is located, but the county board of the other contracting county or counties, shall pay such proportion of the total expense of conducting said school as may be mutually satisfactory and stated in a written contract, which contract shall also state definitely the boundaries of such fractional subdistrict. Said contract shall be spread upon the minutes of each board

and duplicate copies signed by the president and secretary of each board shall be filed in the office of the county clerk of each of the contracting counties.

"In the subdistricts thus constituted, one trustee who may reside in either fraction shall be elected from the subdistrict at large, but said trustee shall be deemed a resident of the educational division of the controlling county as hereinbefore provided. The duties of the trustees of such fractional subdistricts shall be the same as those of other subdistrict trustees, save that in making a census of the children of school age residing in the subdistrict, he shall list the children of the two or more counties separately and make returns separately to each County Superintendent of the children residing in the respective counties."

§ 80. Consolidation of Subdistricts.—The county board of education of any county shall have power to consolidate, with reference to the needs of either white or colored children, any two or more contiguous school subdistricts, and in case of such consolidation school houses shall be built or acquired, located at some point convenient to the patrons of such consolidated school subdistrict, and of sufficient capacity to accommodate the pupil population of such consolidated school subdistrict, and such schools shall be called and known as consolidated schools.

§ 81. One Trustee for Consolidated School.—Such consolidated school shall have one trustee who shall be elected at the same time, and in the same manner, and whose duties and powers shall be the same as subdistrict trustees.

§ 82. Teacher Elected How.—Teachers for such consolidated schools shall be employed in the same manner as teachers for school subdistricts.

§ 83. Trustee or County Board Member Not to be Financially Interested.—No trustee nor member of the board of education nor county superintendent shall be financially interested, directly or indirectly, in any contract for the purchase of land, the erection or repairs of any schoolhouse, the furnishing of supplies or equipment, or the employment of any teacher, and any of said officers so offending shall be guilty of an indictable misdemeanor and on conviction shall be fined not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, and shall forfeit his office.

§ 84. Consolidation and Transportation—Power to Vote Taxes.—The county board of education shall have power to lay off a boundary including a number of subdistricts and submit to the voters in that boundary the proposition of a tax sufficient to provide for the consolidation of the schools within that boundary and the transportation of pupils to and from said consolidated school. Said proposition for taxation may be submitted to the voters at the regular election for school trustees, or at any other time decided upon by the county board of education, provided that not less than thirty days' notice be given of said election. When such a tax is voted in such consolidated district for local school purposes it shall remain and be collected annually in accordance with the provisions of law until repealed by a vote of the people at an election called and conducted in the same manner in which the tax was voted.

§ 85. Local Expenses—Meaning.—In the notices of an election for the purpose of voting a tax to provide for the consolidation of schools, the term "local expenses" shall include the transprtation of students to and from the said consolidated school; and where subdistricts have already been consolidated according to law and tax has already been voted in said consolidated districts for local expenses, the term

"local expenses" shall be construed to include the transportation of children in such cases.

§ 86. Transportation Further Provided For.—In districts consolidated under existing laws the county board of education shall have power to provide for transportation by local taxation or out of county funds, or otherwise when, in its judgment, such consolidation is more economical than the creation of an emergency school, or when an emergency arises in a subdistrict making it impossible for a school to be taught in that district.

§ 87. Boundaries to Remain as at Present—Change in.—The school districts of the several counties, as at present described and numbered, shall be retained until altered or abolished pursuant to this chapter; but no two districts in the same county shall be known by the same name or number. No change in the boundary of any district shall be made to take effect during the current or the following school year, unless made previous to taking the census for such school year. Nor shall the boundary of any district be changed unless ten days' notice in writing shall be first given to the trustees of other districts to be affected thereby.

§ 88. Record of Boundary and District to be Kept by Superintendent.—The county superintendent shall, in a book to be kept in his office for that purpose, and subject to public inspection, describe each district in his county by its number and boundary, and shall furnish to the trustee of each subdistrict a description of the boundaries thereof.

§ 89. Children May Attend School in Adjoining District—Exception.—When two school subdistricts adjoin, it shall be lawful for the children of either of such adjoining subdistricts to be taught in and at such school houses as may be most convenient to them: Provided, the transfer does not

interfere with the contract between the teacher and the division board of education and that no such change shall be made without the assent of the trustees of both said subdistricts in writing and of the parents of the children transferred. In case of an agreement of the kind provided for in this section, the trustee of the subdistrict in which the children were reported shall, before the close of the first month of the school term, notify the county superintendent in writing, or the said transfer shall be void: Provided, further, that when the district to which the transfer is made is in a different county, the county superintendent of the county from which the transfer is made shall pay to the county superintendent of the county in which the children are taught the money due for teaching them, taking his receipt in duplicate.

§ 90. City, Town or Village—When Deemed District—Duty of Trustees—Penalty.—When a city, town or village establishes and maintains a system of common schools adequate to the teaching of all children therein, and which all applying for instruction are permitted to attend free of charge, the same shall be deemed one district, and entitled to its proportion of the school fund. At the termination of each school year the trustees or other officers deputed for that purpose of each school district, and of each separate school of such city, town or village, shall report to the county superintendent, the facts required of subdistrict trustees in Section 122 of this act. They shall take the census of such city, town or village by wards or school districts, and make a return to the county superintendent, to be filed in his office, at the same time and in the same manner as that required of subdistrict trustees. They shall file a duplicate of said census with the county clerk, to be retained by him in his office. For any failure, neglect or violation of their duties, as set forth in this section, the trustees or other officers of such city, town

or district shall be subject to the same penalties as imposed on subdistrict trustees.

§ 91. Laws Relating to City or Town for Benefit of School or College.—This law is not to affect, modify or repeal any local or special law heretofore passed which established any city or town in one district, except as provided in Sections 165 and 166 of this act; but the same shall be governed in all respects by the local law and authorities, and it shall in no wise affect the charter and amendments thereto of any city or town in the Commonwealth, so far as said charter and amendments relate to the public schools of said cities and towns; nor shall this law affect, modify or repeal any local or special laws now in force for the benefit of any school, high school, seminary, college or other institution of learning in this State, except as to teachers as provided in Section 77 of this act.

Article VIII.

District Trustees.

§ 92. Trustees—Election of.—On the first Saturday in October after the passage of this act, an election shall be held at the school building in each school subdistrict in this Commonwealth from the hours of one until five o'clock in the afternoon for the purpose of electing one trustee for each school subdistrict as fixed by Section two of this act. The trustees then elected shall hold their offices one-half for one year and one-half for two years, as shall be determined by lot at the first meeting of the division board as provided for in Section four of this act. Each year thereafter there shall be elected for two years one trustee in each subdistrict in which the term of his predecessor in office will then expire. Said trustees shall serve until their successors are duly elected or appointed and qualified as herein provided.

Any person shall be eligible to this office of school trustee who is over twenty-one years of age, and who has been a resident of the subdistrict for which he is elected for sixty days before the election, and who is able to read and write as shown by a certificate of five reputable citizens of the subdistrict, and all qualified electors who shall have resided in a school subdistrict for sixty days next before an election, shall have the right to vote at such elections. All elections for school trustees shall be *viva voce* vote. The officers of the elections shall be two judges and a clerk, who shall be residents of the subdistrict and legal voters and shall be chosen by the voters at the opening of the polls. The said officers shall be the judges of the qualifications of each voter as prescribed in this act, and shall certify the returns of the election to the County Superintendent of Schools within five days after said election.

§ 93. Organization of the Board—County Superintendent Vacancy.—The County Superintendent of Schools shall meet the trustees so elected from the various school subdistricts of each educational division at his office on the first Saturday in March following the date of their election, proper notice having been given in writing to each trustee as to the time and place of such meeting for the purpose of organizing the trustees so elected into a division board of school trustees, by choosing one of said trustees to be chairman and one to be secretary of said division board.

The County Superintendent of Schools shall be a member of such division board of his county, but shall only vote upon any matter in a case of a tie vote, and then he shall cast the deciding vote.

Any vacancy that may exist in the trusteeship of any school subdistrict shall be filled by appointment by the county

board of education and to them petition may be made by voters of the subdistrict.

Should the office of chairman of a division board become vacant the County Superintendent, as soon as the election has been held to elect a subdistrict trustee as above provided, shall call a meeting of said division board and shall then proceed to elect another chairman and until a chairman is so elected, such division board may choose one of its members as a temporary chairman.

§ 94. Duties of Trustees—Census—Fees For.—It shall be the duty of the trustee in each school subdistrict to personally supervise the school or schools in his subdistrict, and to report the needs thereof to the division board of his educational division at its regular meeting, together with such recommendations as he may deem necessary for the best interest of said school or schools. All such reports and recommendations shall be in writing. The division board shall refer such reports to the county board with its recommendations on same. The trustee of each school subdistrict shall, in the month of April biennially, make and return to the county superintendent a complete census of the children of school age residing in his district, and for the performance of all his duties he shall be allowed and paid the sum of five cents per pupil child reported in such census.

He shall make a complete census of illiterate children of school age, with the names of their parents or guardians, with their post office address; also the names of all children of school age who have completed the common school course, together with their ages. He shall make a census of the names of the children who are attending school outside of the district in which they reside. This census and these reports must be made by the subdistrict trustee at the time now provided by law for taking the school census. The

County Superintendent of Schools in each county shall make a complete report of said census to the State Superintendent of Public Instruction, whose duty it shall be to have printed annually and distributed a report of same giving the number of children in each school subdistrict and stating the number who are illiterate, and, in addition, the number who have completed the common school course, together with the number who are attending school outside of the district in which they reside.

§ 95. Teachers—Employment of.—It shall be the duty of the subdistrict trustee to nominate and recommend in writing to the division board one or more teachers for each school in his subdistrict, and with said nomination and recommendation he shall convey the teacher's credentials and any objections, remonstrances or petitions that may be offered, in writing, to the election of said teacher or teachers, and the board shall elect for each subdistrict a teacher or teachers nominated by the trustees thereof, when such teacher possesses the necessary qualifications and no reasonable objection is offered.

Should the division board reject any nomination or should any trustee fail to nominate for his subdistrict, the chairman of the division board shall immediately notify such subdistrict trustee and request further nominations.

The division board in each educational division shall meet for the consideration of applications and the election of teachers on the first Saturday in June and July in each year, and any vacancy existing for any cause in any subdistrict thereafter shall be filled by the county board of education upon the recommendation of the trustee of such subdistrict. Said division board may meet at such other times as the chairman may designate.

Qualifications of teachers shall be determined as provided by law. Teachers shall be elected for one school year, but may be removed by the division board of the educational division in which they are employed, at any time, subject to the approval of the County Superintendent, for incompetency, neglect of duty or immoral conduct.

Contracts for the service of all teachers shall be in writing, signed in duplicate by the teacher and by the chairman and secretary of the division board of the division in which the teacher is employed. Upon organization of said board, one of the members shall be chosen as secretary, who shall keep a correct record of all proceedings, which shall be a public record.

§ 96. County Board of Education—Who Shall Compose. —The chairman of the several educational division boards in each county, together with the County Superintendent of Schools, who shall be chairman ex officio, shall constitute the county board of education.

§ 97. School Buildings and Repairs.—The county board of education shall have the power to purchase, lease or rent school sites, to build, to repair and to rent school houses, purchase maps, globes, charts, school furniture, or other apparatus necessary to the efficient conduct of the schools of the county, and said county board is hereby vested with the title, care and custody of all school houses, sites or other property belonging to the districts of their several counties, and when, in the opinion of the board, any site for school house has become unnecessary, they may sell and convey the same in the name of the county board of education. It shall have the power to receive any gift, grant or donation for the use of the schools within their respective counties, and all conveyances of real estate which shall be made to said county board of education shall vest the property in said board and their

successors in office for the use and benefit of the schools of the county. It shall have the power to condemn any real estate necessary for school purposes in any district and may proceed to do so in the manner provided for by law for the condemnation of lands for railroad purposes.

§ 98. Payment of Old Debts.—The various county boards of education in this Commonwealth shall assume the payment of any legal indebtedness contracted by the old boards of trustees under the old law, and prior to the taking effect of the Act of 1908, by compromise, partial payment, or otherwise, as is deemed expedient and proper by said board of education. Said payments to be made out of the general school fund of the county.

This law shall also apply to common school subdistricts that have become graded common school districts since 1908.

§ 99. Board of Education a Corporation.—The county board of education and their successors shall be a body politic and corporate, with perpetual succession and as such may sue and be sued.

§ 100. County Superintendent to Keep Record.—The County Superintendent shall keep an exact account of all receipts and disbursements and shall report the same in detail to the county board as often as they may require and annually to the Fiscal Court of the county on the date specified by that court for receiving said report. The books and records of the county board shall be open for the inspection of any citizen of the county.

§ 101. Meeting of Board of Education.—The county board of education shall meet at a place designated by the County Superintendent for the transaction of such business as shall properly come before it under this law, on the first Saturday in September, following the enactment of this law,

and shall meet at the call of the County Superintendent, who is chairman of the county board, at such other times as he may direct. The County Superintendent shall call the county board upon the written request of three members. Each member of the county board shall receive three dollars for each day's service, but no member shall be paid for more than twelve days' service in any one year, whether in actual attendance upon the meetings of the county board or in inspecting the schools and school property of his division in company with the County Superintendent.

§ 102. Division Chairman to Report.—It shall be the duty of each division chairman or member of the county board of education to report in writing the exact status of the educational affairs of his educational division to the county board for consideration at least twice each year, and at such other times as the chairman of the county board may require.

§ 103. Supervisors of Rural Schools—Appointment—Duties.—The county board of education shall have power to provide whenever it deems wise, for the employment of supervisors for the rural schools under the supervision of the county superintendent. It shall be the duty of the said supervisors to assist in supervising the rural schools, to act as substitute teachers under the direction of the county superintendent and to act as truant officer in accordance with the laws governing the attendance of pupils in the rural schools and with such other rules and regulations as may be made according to law by the county board of education. The county board of education shall have power to pay the necessary expenses of the County Superintendent and the said supervisors of rural schools while in the discharge of official duties.

§ 104. State School Funds—Distribution of by County Board of Education.—The county board of education shall have power to distribute the State Fund, received from the

State Treasurer and as is now provided by law, for the payment of teachers' salaries; provided that no salary paid to any teacher in any subdistrict in the county shall be more than seventy dollars per month, except to high school teachers. The county board of education shall prepare a salary schedule and submit the same to the State Board of Education for approval.

§ 105. Method of Fixing Salaries.—All salaries of subdistrict teachers shall be based on, and regulated by the qualification of the teacher and the number of children actually in attendance in proportion to the number enrolled in the school census for the district, graduated in accordance with, and in conformity to, such rules and regulations governing same as shall be hereafter prescribed by the State Board of Education.

§ 106. Salary Schedule Must be Reported.—The salary schedules of the counties of the State shall be reported to, and, if according to law, approved by the State Board of Education; and all rules and regulations governing the same promulgated by the State Board of Education shall conform to law; and the purpose of the same shall be to increase the efficiency of the common school system.

§ 107. Colored Visitors—Election.—At the same time and place and by the election officers who conduct the election for subdistrict trustees, an election shall be held for the purpose of electing a visitor for the colored school or schools of the subdistrict. Such a visitor shall be nominated and elected in the same manner as the subdistrict trustee, save that the nominating petition shall be signed by colored voters, and that colored voters alone shall be eligible to vote for such visitor. So far as the colored school or schools of the subdistrict are concerned, the duties of the visitor shall be identi-

cal with those of the subdistrict trustees, save that such visitor shall not be a member of the division board.

§ 108. Election of Trustees in Districts Where There is No School House.—If no school house be in the district, the election of school trustee shall be held at such convenient place as the trustee may elect.

Notice of the election of trustee shall be posted by the subdistrict trustee at three of the most public places in the district for ten days immediately preceding the day of the election.

In case of a tie, in which the officers of the election have voted, the said officers shall certify the same to the County Superintendent within five days after said election, and the county board of education shall fill the vacancy in the manner prescribed by law.

§ 109. Penalty Imposed on Officer of Election for Fraud.—Any person who may be chosen to preside over the election of a school trustee in any school district in this Commonwealth, who shall knowingly, and with intent to commit a fraud, receive and count any illegal vote or issue a certificate of election to any person not entitled thereto, or shall refuse to issue such a certificate to anyone duly elected, or shall fail for five days after the election to report the name of the person elected, or who shall, with fraudulent intent, deface, mutilate or destroy the records of any such election, shall be fined not less than fifty nor more than two hundred dollars for every such offense, and it shall be the duty of the County Superintendent to report such offenses to the grand jury.

§ 110. Vacancy in Case of Controverted Right.—In case of controverted right to the office of trustee, the County

Superintendent is empowered to recognize a trustee among the contestants until the dispute has been settled.

§ 111. Titles to Land—In the acquisition of land as a site for a school house, the title thereof shall be made in fee simple to the county board of education and the titles to the land now used as sites for school houses shall, at the earliest possible time, be perfected by the county board of education. Any reversionary interest in any land now used as a site for a school house shall not deprive the county boards of the school house or other improvements thereon.

§ 112. Record Book to Be Furnished to Subdistrict Trustee—Facts to Be Recorded In.—The Superintendent of Public Instruction shall, from time to time, as needed, through the County Superintendents, furnish each subdistrict trustee with a trustee's record book which shall be the property of the State, shall be well preserved, shall be open at all times to public inspection, especially by the county board of education and County Superintendent, and at the expiration of the subdistrict trustee's term shall be turned over to his successor. The subdistrict trustee shall receipt to the County Superintendent for the record book, which receipt shall be filed with the Superintendent of Public Instruction. In the said book the subdistrict trustee shall, with pen and ink, keep a careful record of the following facts: The name, number and boundary of the district; the name of the subdistrict trustees, and when elected, appointed and qualified; the time for which he shall serve; each annual census as reported to the County Superintendent; changes of boundary of the district; the dates and number of visits of the trustee to the school; a copy of the contract with the teacher and the grade of his certificate; each subdistrict election, with the time and purpose and names of its officers; the beginning and close of the school term, with holidays and vacations therein; the money received, with the sources thereof, and for what the

same has been disbursed; each levy of a tax, if any; any such other facts as the County Superintendent or Superintendent of Public Instruction may require.

§ 113. Securing Site, Erecting and Locating School House—Damages for Injury to Property—Passways—Tolls—Pikes.—The county board of education may take land by purchase or donation for the purpose of erecting thereon a school house, provide for and secure the erection of the same, construct such out-buildings and enclosures as shall be conducive to the protection of the property and comfort and decency of the pupils and teachers; make repairs and provide the necessary furniture and apparatus; but the said county board shall not buy for such use property in which it is either directly or indirectly interested. It shall have power to recover for any damages that may be done the property in its charge, and it may change the location of the school house, sell or dispose of the old site, and use the proceeds thereof towards procuring a new one. If it cannot agree with the owner of any land most suitable for a school house site as to the price and terms of purchase and sale thereof, it may have the same condemned, in the manner provided for condemning lands for the use of railroad companies; and cause a deed to the land by a commissioner to be made to the county board and its successors; which deed shall be duly acknowledged and recorded in the office of the clerk of the county court; and thereupon the fee simple title to said lot shall vest in said county board and its successors in office; but it shall not have the right to condemn any private property which is used by the owner as a residence, garden, orchard or burying ground. The quantity of land thus condemned shall in no case exceed one acre. A majority of the school electors of any district, within thirty days after the location or site has been selected by the county board, may appeal from the decision of the county board in the location of the school

house, or site for the same, to the County Superintendent of the county, whose decision in the case shall be final. In such location it shall be made as near as practicable to the center of the district as will be convenient of access to all the inhabitants of the district; and the trustees shall make provisions for such roads or passways to the school house as will accommodate all the pupils who may be entitled to attend, and may apply to the county court having jurisdiction to open the same as other roadways are opened for public necessity and convenience. But where there is no road or passway from the residence of any pupil to the school house, it shall be lawful for such pupil in attending school, to walk over the land of any person between the residence of such pupil and the school house. No toll shall be collected of any pupil child for travel upon any turnpike road while attending a common school.

§ 114. **Seminary Property May Be Acquired by County Board of Education.**—The trustees holding the legal title to the property of any county seminary, under laws enacted and in force prior to the 18th day of December, 1865, by a majority of their board, the county court consenting thereto by order of the county judge, entered of record in the county court, are hereby authorized and empowered to sell, transfer or convey by deed the title held by such trustees to such county seminary property or otherwise dispose of it as to them may seem best, to the county board of education, or to the board of trustees of the white graded common school district in which such seminary property is situated, on such terms and conditions as may be agreed upon by both parties; Provided, That whenever such county seminary property shall be taken over by and invested in the county board of education or the said board of trustees of the white graded common school district, as authorized in this section, it, or the proceeds thereof, shall be used or disposed of by such county board of education or said board of trustees of the white graded common school district, for the benefit of all

the white pupils in the county, in such a way as to make good to them their interest in such seminary property.

§ 115. Size and Value of House—Furniture.—Each school house, including the site, furniture, apparatus, shall have a property value of not less than one hundred and fifty dollars. Each school house hereafter erected shall have a floor space of not less than ten square feet to each pupil in the district; shall be at least ten feet between floor and ceiling; shall have at least four windows, one or more fireplaces, with chimneys, made entirely of brick or stone, or a sufficient number of stoves or other heating apparatus, with safe flues, to warm the room in coldest weather, one or more doors, with locks and keys, which shall be kept during the vacations by the subdistrict trustee, who shall be liable for any damage occurring on account of neglect. The county board of education shall furnish each school house with at least the following articles of furniture and apparatus, and the teacher shall, at the close of the school each year, deliver a complete inventory of the said articles to the subdistrict trustee: Teacher's desk and chair, a seat, patent or otherwise, with back, for each child, the height of the seat and its back to suit the age of the child; no desk or bench to be made to accommodate more than two children; writing desk for all pupils; blackboard space of at least fifty square feet; water stand; and the County board of Education may furnish gong or call bell; terrestial globe; wall map of the world, wall map of the United State, and a wall county map of Kentucky and such charts upon reading, writing, physiology, etc., as the County Board of Education may select; and the County Board of Education is authorized to have said houses and furniture insured against damage by fire or other casualty, the expenses incurred from such insurance to be paid out of the funds raised for general county purposes.

§ 116. Plans to be Approved by Superintendent.—No

school house shall be erected in any subdistrict or county in this Commonwealth unless the plan thereof shall have been submitted to the County Superintendent and approved by him, and it is hereby made his duty to acquaint himself with the principles of school house architecture, and in all his plans for such structures to have due regard for economy, convenience, health and durability of structure.

§ 117. Teacher's Contract—Provisions Continued.—The contract between the division board of education and the teacher shall expressly describe that its terms are subject to all the provisions of the common school laws. Whenever a teacher is entitled to a payment for having taught a common school, it shall be the duty of the subdistrict trustee to certify that the school has been legally taught for the period specified. No person shall be allowed to teach a private or other school in any district school house unless he be of good moral character and have the consent of the subdistrict trustee.

§ 118. Trustees to Visit Parents and Urge Attendance of Children—Indigent Children.—During the two weeks preceding the opening of the school, the subdistrict trustee shall visit all the parents of pupil children and urge upon them the necessity of prompt and regular attendance at school. He shall make careful inquiry as to whether any children are unable to purchase the necessary books, and immediately report the names of all such children to the County Superintendent only. During the progress of the school the subdistrict trustee shall ascertain the cause of non-attendance of children, and shall remove such causes, if practicable.

§ 119. Visitation of School—Pupils May be Suspended or Expelled—Dismissal of Teacher.—The subdistrict trustee shall be at the school house on the day of the opening of the school and at the same place at least once a month thereafter during the session of the school. On each visit he shall care-

fully examine the teacher's register and shall consider: (1) The condition of the school house, furniture, apparatus and surroundings; (2) the work of the school; (3) the attendance and how to increase it; (4) the needs of the school, such as fuel, brooms, buckets, crayons, desks, blackboards, books, etc. He shall provide for any deficiency that may exist in any of these respects, as provided in Section 94 of this act, and see that the regulations for the government of the school are complied with, and that the teacher performs his duty; he shall see that a sufficient supply of good water is furnished within easy access of the school house for the benefit of the schools during the term of the school. Upon complaint of the teacher in writing, the trustee shall have power, after investigation, to suspend a pupil or expel him from school. When the trustee shall ascertain by examining the teacher's register or monthly report that the average daily attendance for twenty consecutive days taught has been less than twenty-five per centum of the total number of pupil children of the district as shown by the last census, he shall report the same to the county board of education, which may upon his recommendation, dismiss the teacher and upon his nomination employ another teacher to complete the session of the school unless the board shall be satisfied that the decreased attendance was due to such natural causes as high water, extremely inclement weather, epidemics or unusual sickness in the district.

§ 120. Infectious Disease—Epidemics—Duty of Trustees—Teacher Not to Lose Time.—When any family shall have any infectious or contagious disease, no member of such family shall attend any school until the trustees thereof shall allow them to do so; and during the prevalence in the district of dangerous epidemics, the trustee shall order the school closed; but the teacher shall not be required to lose the time of this forced suspension, unless so stipulated in his contract.

§ 121. Census of Children in District—Penalty for Fraud or Failure.—It shall be the duty of the trustee of each subdistrict, annually, during the month of April, to take an exact census of all the children that reside in such subdistrict on the first day of April, who will be, on the first day of July following, between the ages of six and twenty years, and on or before the first day of May report a list of the same to the County Superintendent, and a duplicate list to the clerk of the county court, to be filed in his office, specifying the name, age, sex and names of the parents or guardians of each child, to be entered in a book furnished him by the State, and kept as a part of the records of his office. Should said trustee wilfully add to the list the names of persons not entitled to be placed on same, or otherwise knowingly make a false list, such person thus offending shall, in addition to being liable to punishment for the crime of false swearing, be subject to a fine of not less than fifty dollars; and should any other school officer be a party to such fraudulent lists, or in any way aid in the commission of such fraud, he shall be liable to the same punishment. For a failure to take such census and report the same within the time and in the manner herein required, the trustee shall be liable to a fine of not less than twenty dollars; and said trustee shall not take the census of any children who have recently removed into the district and who have been previously reported in the census of the pupil children for the year in the district from which they have removed, or who had recently removed into the district from another State or county; but any pupil child who may not have been reported in the district in which he resides may attend the common school without payment. This section shall be printed in the census blanks furnished by the Superintendent of Public Instruction.

§ 122. Report to County Superintendent Each Year.—At the termination of each school year, the trustee shall make a report to the county superintendent, showing, in tables of

details and aggregates, the length of time taught; the highest, lowest and average number of children at school; the cost of tuition of each child for the session and per month; the number of private schools, academies and colleges taught in the district, and length of session of the same; the number of teachers employed, male, female and total for the common schools; the wages of male or female teachers; the amount of money raised for common school purposes in the district by district tax or otherwise, and for what the same was disbursed; the kind and value of school houses, and the number of volumes in district library, if any; and any other information required of them by the county superintendent touching the school.

§ 123. Reports to be Signed by Subdistrict Trustee—Penalty for Failure to Make.—The subdistrict trustee shall sign all reports made by him, and for a failure to make any such report within thirty days after the same is required by law, shall be subject to a fine of twenty dollars, and besides shall be liable to an action for damages by any person injured thereby.

§ 124. Penalty for Buying Teacher's Claim or Accepting Bribe.—No trustee shall be allowed to buy any teacher's claim, directly or indirectly, under the penalty of removal from office by the county superintendent. Any teacher who shall offer or give, directly or indirectly, any trustee who shall ask or accept, directly or indirectly, either for himself, for another trustee, for the subdistrict, the school, or the school house, any valuable consideration other than the services of the teacher for employing, or for being a party to employing a teacher, shall be deemed guilty of bribery, and upon indictment and conviction therefor, shall be fined as provided by law for the punishment of bribery.

§ 125. Penalty for Neglect of Duty or Misfeasance.—For

any neglect of duty or misfeasance or malfeasance in office the trustee shall, in addition to being fined as aforesaid, be removed from office by the county superintendent, who, in investigating such matters, as well as the matters set out in sections 65, 185, 186, 187 and 190 of this act, shall have the same power to issue subpoenas and attachments for witnesses, and to compel their attendance and testimony as is possessed by the judge of the quarterly court in examining trials of persons charged with offenses against the law; and sheriffs, constables and marshals shall be under the same obligation and subject to the same penalties for neglect or refusal to execute the orders of said superintendent as for refusal or neglect to execute the orders of the judge of the quarterly court of the county, and from the decision of the county superintendent any party aggrieved may appeal to the Superintendent of Public Instruction.

§ 126. Penalty for Failure to Perform Duties.—If any person who is elected or appointed trustee of a common school, under the provisions of this act, shall wilfully fail or neglect, after having accepted said office, to perform the duties imposed upon him herein, he shall be fined fifty dollars therefor.

§ 127. Books and Records to be Delivered to Successor —Penalty.—A trustee, when he resigns, vacates, is removed or goes out of office, shall, within ten days thereafter, deliver to his successor any money, property, books, or papers in his custody as trustee; and for failure therein, he may be fined any sum not exceeding fifty dollars; and it shall be the duty of the county superintendent to report all such defaults to the grand jury.

§ 128. See section 83.

ARTICLE IX.

DISTRICT TAXATION.

§ 129. Tax May be Levied by Fiscal Court—Collector—Treasurer.—It shall be the further duty of the county board of education to estimate and lay before the fiscal court of the county the educational needs of the county in accordance with such estimate, and said county shall levy a tax for school purposes not to exceed twenty cents on each hundred dollars of assessed valuation of property in the county, and a capitation tax, not exceeding one dollar, and the sheriff shall then collect this tax as other State and county taxes are collected: Provided, no tax for school purposes shall be levied under this act upon property in cities and towns maintaining a first class system of public schools in which all grades are already taught to the satisfaction of the State Board of Education, and upon property in school districts which are made exempt as provided for in section 77 of this act. When the tax so levied shall have been collected by the sheriff of the county, he shall turn over to the county superintendent, who shall act as treasurer of the county board of education, the amount of money so levied and collected, and the county board shall expend the money so received in the building, improvement and equipment of school houses, for the purchase and condemnation of necessary real estate, for the payment of teacher, purchasing necessary supplies and the extension of the school term in the various subdistricts throughout the county, as in their judgment as a county board the needs of the individual schools for white and colored pupils demand. The county superintendent shall give such special bond as may be approved by the county court. No fund shall be paid out except on the order of the county board, signed by the chairman and countersigned by the secretary.

The county board shall make a complete settlement each

year with some person selected by the fiscal court, which settlement shall show all receipts and expenditures, from whom received and to whom paid, and for what purposes, and said settlement shall be recorded by the county court clerk, and the cost of said settlement shall be paid for out of the funds of said county board not otherwise expended.

§ 130. Local Tax May be Levied.—Upon the petition of ten legal voters of any school subdistrict, the division board of education of any division shall submit to the legal voters of said subdistrict the question whether or not a tax shall be levied upon the taxable property in such subdistrict in any school year for "local school purposes;" an ad valorem tax may be so voted not to exceed twenty-five cents on each one hundred dollars of taxable property.

Such questions shall be voted on at the regular school election, held as provided by this act, on the first Saturday in October.

At least fifteen days' notice that such question will be voted on at any school election shall be given by written or printed hand bills, posted up in at least five of the most public places in such district. Said notices shall set forth clearly the amount and object of the tax proposed to be raised, and the time and place of taking the vote. Said notices must be signed by the County Superintendent, the chairman, and the secretary of the division board of education of the division in which such subdistrict lies. Such notices shall be posted by the subdistrict trustee of the subdistrict in which the proposed tax is to be voted on, or such other person or persons as the division board may appoint.

The returns of said election shall be made to the chairman of the division board of education and said board shall meet within seven days after such an election and canvass the returns, and if it be ascertained that a majority vote in

such district was cast in favor of such tax, said board shall, on its minute book, enter an order levying such tax in such subdistrict, and it shall be the duty of the sheriff of the county on his official bond to collect such tax and hold the same subject to the order of the County Board of Education for the benefit of the subdistrict voting such tax, and said sheriff shall receive the same compensation therefor as for collecting State and county revenue.

When lines dividing school subdistricts pass through the lands of any person dividing the same, the tax shall be levied and paid to the district where the homestead may be situated.

§ 131. Local Tax Election Every Year—Tax Voted for Three Years.—The question of subdistrict taxation may be submitted to the legal voters of the subdistrict every school year; or when the amount, object and length of time are distinctly stated to the voters, the tax may be voted at one election to continue three successive years. The proceeds of such tax shall be expended for any of the following purposes: Purchasing lot, building, repairing or furnishing the school house, supplying the same with illustrative apparatus, the extension of the school term, supplementing the salary of the teachers, or other local school purposes:

Provided, that the purpose or purposes for which the tax is to be used shall be set out with exactness in the notices advertising the election; and provided, further, that when one of the purposes set out in the notices is the erection and furnishing of a school house or in supplementing the funds appropriated by the county board of education for that purpose, and two-thirds of all the persons voting on the proposition vote in favor of the tax, such election shall authorize the county board of education, in their corporate capacity, to borrow a sum of money sufficient to supplement the county

funds in erecting and furnishing said school house; and provided further, that the sum so borrowed shall not exceed an amount that can be paid in three years at the rate of taxation set forth in the notices advertising the election.

§ 132. Questions to be Asked Voter.—It shall be the duty of the officers holding the election to open the polls and an officer of election shall propound to each voter who votes the question: "Are you in favor of the district school tax?" and his vote shall be recorded for or against said tax as he directs. The officers of the election shall return a fair and true record of the votes taken for and against such tax, certified and sworn to by themselves before some officer authorized to administer oaths. It shall be the duty of the County Superintendent to furnish the sheriff with the boundary of the district.

§ 133. Assessment—Collection—Duty of Officers.—The assessment of property, collection of taxes, the powers and duties of trustees and other officers under this article, shall be governed by section 135 of this act.

§ 134. Report of County Superintendents Concerning Tax.—The County Superintendent shall, in making his annual report to the Superintendent of Public Instruction of the schools taught in his county, make report also of the amount of money thus raised and the manner in which it has been appropriated.

§ 135. Local Tax Levy and Collection.—Whenever there shall be a tax levied in any subdistrict by the division board of education, as hereinbefore provided, the same shall be levied on the property of the district as may be assessed and equalized for county taxation immediately preceding the levy by the division board; and within ten days after said levy, it shall be the duty of the sheriff, with the assistance of the County Superintendent to make, or cause to be

made, from the assessor's book, as equalized for county taxation and the records of assessments of property as filed by the railroad commissioners or a bond of assessment in the office of the county clerk a list of the names of all persons or corporations liable for such taxes and the amount of property owned by each and liable therefor, and the total amount of taxes due from each, and shall file a copy of list with the division board of education. The sheriff shall collect all taxes levied for common school purposes on the property of the district. The holder of the legal title and the holder of the equitable title and the claimant or bailee in possession of the property on the first day of September of the year the assessment is made shall be liable for the taxes thereon; but, as between themselves, it shall be the duty of the holder of the equitable title to list the property and pay the taxes thereon whether the property be in possession or not at the time of the payment. The division board of education shall, within five days after such tax list shall have been delivered to the chairman, fix the time in which such tax shall be paid to the sheriff, which shall not be less than two nor more than four months from the time of making such order. The division board shall cause written or printed notices of the amount of the levy and the time and place in which the tax is required to be paid, to be posted in at least five of the most public places in such district. It shall be the duty of all tax payers to pay their taxes to the sheriff at the time and in the place designated in the notice. On failure of any such tax payer to pay his taxes within such designated period, he shall at the expiration thereof be deemed a delinquent and a penalty of five per centum of the amount of the taxes due shall attach against each delinquent at the expiration of the period for receiving the taxes. It shall then be the sheriff's duty to collect such delinquent taxes and levy on and sell property therefor, and make report thereof to the division board of education. The sheriff shall collect the taxes within ninety days after receiving the list, by sale

of property or otherwise. He shall have the same power that he has in the collection of State and county revenues, and proceed in the same manner and receive the same compensation as he is entitled to receive in the collection of State and county revenues; and for a failure to perform this duty and other duties mentioned in this section, he shall be liable on his bond. The sheriff shall, in his report to the County Board of Education, make an itemized statement of the amount levied, the purpose of such levy, and an itemized statement of the amount collected and the amount of tax uncollected. In case of vacancy by resignation or removal of the sheriff, he shall make settlement with and turn over all moneys to the County Superintendent immediately following such resignation or removal.

Article X.

Graded Common Schools.

§ 136. Districts—Boundary—Election to Establish—Tax—High School.—It shall be the duty of the county judge in each county of this Commonwealth, upon a written petition signed by at least 25 per cent. of the legal voters, who are taxpayers in the justice's district, town or city of the fifth or sixth classes in his county to make an order on his order book, at the next regular term of his court after he receives said petition, fixing the boundary of any proposed graded common school district, as agreed on by the county judge and the petitioners, and directing the sheriff or other officer whose duty it may be to hold the election, to open a poll in said proposed graded common school district, at the next regular State, town or city election to be held therein, or on any other day fixed by said judge in said order, not in either case earlier than forty days from the date of said order, for the purpose of taking the sense of the legal white voters in said proposed graded common school district upon

the proposition whether or not they will vote an annual tax, in any sum named in said order, not exceeding fifty cents on each one hundred dollars of property assessed in said proposed graded common school district, town or city, belonging to said white voters or corporations, or a poll tax in any sum named in said order, not exceeding one dollar and fifty cents per capita on each white male inahbitant over twenty-one years of age residing in said proposed graded common school district, or both an ad valorem and a poll tax, if so stated in the order, for the purpose of maintaining a graded common school in said proposed graded common school district, and for erecting, purchasing or repairing, suitable buildings therefor if necessary. "Provided, that the proposition to establish any graded common school district, as provided for in this section, is approved in writing, on petition to the county judge by the County Board of Education, and also by the County Superintendent of Common Schools; that no point on the boundary of any proposed graded common school district be more than two and one-half miles from the site of the school building and that the location and site of said school building in said district are set out with exactness in said petition and that the district contain not less than one hundred pupil children.

"If at any time it become desirable to either extend or decrease the boundary of a graded common school, a majority of the legal voters in the territory which is proposed to be changed may file a written petition in duplicate, one copy with the board of trustees of the graded common school and one copy with the county board of education. Said petition shall set out with exactness the names of all persons within the territory to be changed, and shall show the change in the boundary of the district as proposed by the change. If the petition shall be approved by the board of trustees of the graded common school and the County Board of Education, an order shall be so made on the record of each board and the change shall be effective at once.

"All graded common schools which have been previously established under the general or under any special law of the State, or any such school which may hereafter be established, shall have authority to operate and maintain a high school equal in rank to that maintained by the County Board of Education, or they may pay the tuition of all pupils eligible to enter the high school in the county high school or in a high school whose course of study has been approved by the State Board of Education."

§ 137. Graded School for Two Counties.—"That whenever it becomes desirable to establish a graded common school composed of parts of two counties and upon a written petition signed by at least ten legal voters residing in the county where the greater number of legal voters reside, and a majority of the legal voters residing in the adjoining county, it shall be the duty of the county judge in the county having the greatest number of the legal voters, to make an order on the order book at the next regular term of his court after he receives said petition, directing the sheriff or other officers whose duty it may be to hold the election, to open a poll in the proposed graded common school district upon the proposition as to whether or not such graded common school shall be established. Before such an order can be made by the county judge, the petition must be approved in writing by the County Board of Education and the County Superintendent of schools in each county concerned. When an order is made directing a poll to be taken, the same items shall be followed in all respects as are provided for in section 136 of this act, by which all other graded schools are voted. Should the graded school be voted, it shall be under the control of the county in which the order directing its establishment is made."

§ 138. County Clerk—Duty of.—It shall be the duty of the county clerk to give to said sheriff or other officer a

certified copy of the order of the judge of the county court, as it appears in his order book, within ten days after said order is made.

§ 139. Sheriff to Publish Notices and Post Advertisements.—It shall be the duty of said sheriff or other officer to have the order of the county judge published in some weekly or daily newspaper published in the county for at least twenty days before the election, and also to advertise the same by printed or written handbills, posted at five conspicuous places in said proposed graded common school district for the same length of time; but if there be no daily or weekly newspaper published in the county, the printed or written handbills, posted as before provided, shall be sufficient notice. The said sheriff or other officer shall have the advertisement inserted, and notices herein provided for posted, within ten days after he receives the order of the county judge and at least twenty days before the election.

§ 140. Officers of Election—Appointment of—Question to be Asked Voter.—The said sheriff or other officer shall appoint a judge and a clerk of the said election, who shall take and subscribe to an oath for the faithful performance of his duties. On the day set apart for the election, the officers shall open a poll, and shall propound to each voter who may vote the question, "Are you for or against the graded common school tax?" and his vote shall be recorded for or against the same as he may direct.

§ 141. Duty of County Judge, Superintendent and Trustees—If Tax Voted.—If it shall appear that a majority of the votes cast at the said election were in favor of said tax then it shall be the duty of the county judge to cause the certificate of the examining board showing the amount of tax voted, and the names of the five trustees elected, to be entered of record in the order book of his court, and to give a copy thereof to the County Superintendent, who, in con-

nection with the trustees, shall organize a graded common school in said district in accordance with the provisions of this law.

§ 142. Colored Graded Schools—Establishment of.—The provisions of this law shall apply to such graded common school districts as may be applied for and organized by the colored people of this Commonwealth, and such districts and graded schools may be organized by them, in all cases, the same as the white districts herein provided for are organized. In that case the word "Colored" is to be substituted for the word "White" whenever it has occurred heretofore in this law. No white person shall vote at any election held by the colored people under the provisions of this law; nor shall the property of any white person be taxed to maintain any graded common school for colored children; nor shall the property of a colored person be taxed for the benefit of any graded common school for white children; nor shall any white child attend any graded common school for colored children organized under the provisions of this law; nor shall any colored child attend any graded common school for white children.

§ 143. Graded Schools Heretofore Established.—The provisions of this article shall not affect or in any way interfere with any graded common school or schools maintained by any city of the fifth or sixth class, or any town or school district organized by virtue of a special act of the General Assembly, unless the said city, town or district shall, by a majority vote, endorsed by the recorded action of the board of trustees, accept the provisions of this article for the government of said school or schools in any election held under the written order of the county judge, or the mayor of said city, in the manner and under the restrictions of sections 136, 138 and 139 of this act, in which election nothing but the matter of such acceptance shall be determined, and

the only question propounded to each voter shall be: "Are you in favor of accepting the provisions of the general graded common school law?" In the event of such majority vote in favor of accepting the said provisions, and an endorsement by the board of trustees, the graded common school or schools of the said city, town or district, shall thereafter be governed by and subject to all the preceding provisions for graded common schools.

§ 144. Graded Schools in Cities of the First, Second, Third and Fourth Classes Not Affected—Acceptance of This Law—Provisions.—The provisions of this article shall not affect, or in any way interfere with, any system of graded common schools established and maintained by any city of the first, second, third or fourth class, by virtue of a general or special act of the General Assembly. Any city of the first, second, third or fourth class may accept the provisions of this law, and establish graded common schools, subject to all the provisions thereof, except as especially hereinafter provided in this section, by a majority vote, indorsed by the recorded action of the board of trustees, at an election held in the manner prescribed in section 136. In the event of a majority vote in favor of accepting the said provisions, and indorsement by the board of trustees, the following provisions shall apply to the graded common schools of such city of the first, second, third or fourth class instead of the corresponding provisions in the preceding section of this article: (1) An order for the holding of an election, as first provided in section 136, may be made by the mayor, and the said mayor shall, in such case, perform all the duties required of the county judge in carrying into effect the provisions of the law; the number of petitioners shall be one hundred instead of 25 per cent. of the legal voters; the election shall be held by the officer whose duty it is to hold other city elections; the approval of the County Superintendent shall not be required in the petition; and the location and

site of any proposed school house shall not be required to be set out in the said petition. (2) The maximum limit for the cost of any school building shall be one hundred thousand dollars ($100,000) instead of fifteen thousand dollars ($15,000). (3) The number, name and style of the board of trustees shall be determined by themselves instead of the number limited to five; but the number of trustees in no case shall exceed one more than the number of wards in the city. (4) The length of the term, the order of retirement, the date of election of trustees, may be fixed by the charter of said city, but the term of office shall in no case exceed four years. (5) Principals and teachers shall not be required to hold county certificates. (6) The president of the board of trustees may be elected from the city-at-large, if the said board shall so determine. (7) The Superintendent of Public Instruction shall pay directly to the treasurer of the city graded common schools the pro rata portion of school funds due said city from the State. (8) The aggregate amount of the outstanding bonds issued by the board of trustees shall not, at any given time, exceed 2 per cent. of the taxable property of the city, instead of the bonds so issued being limited in amount to fifteen thousand dollars ($15,000). Provided, that the limitation herein before prescribed of the aggregate amount of outstanding bonds issued by the board of trustees shall not apply where the said two per cent. of the taxable property of a city is less than one hundred thousand dollars ($100,000.00); and whenever the said two per cent. of the taxable property of a city is less than one hundred thousand dollars ($100,000.00) then the aggregate amount of the outstanding bonds issued by the board of trustees shall not exceed one hundred thousand dollars ($100,000.00). (9) The assessment of property made by the city assessor, and equalized according to law, shall be made the basis for collection of city taxes for school purposes of every kind, and the said taxes shall be collected by the city collector at the time of

collecting other city taxes, and he shall be responsible on his official bond for the same.

§ 145. Consolidated Schools May Be Formed.—Whenever it becomes desirable on account of geographical or other conditions to establish a consolidated school, composed of a graded common school and other adjoining common school subdistrict or subdistricts, the board .of trustees of such graded common school shall have authority to enter into contract with the county board of education of the county in which said graded common school district is located, to establish, operate and maintain such consolidated school. The contract when made shall be in writing, and shall stipulate in full and complete terms, the number of years such contract shall exist, the employment of teachers, the arrangements of the course of study, and all other arrangements necessary to the successful conduct of such consolidated school. The expense of the transportation of pupils to and from such consolidated school may be provided for jointly by the graded common school, and the subdistrict or subdistricts annexed or by the subdistricts alone. The tax for the transportation of pupils by the subdistricts concerned shall be voted, levied and collected in the same way and at the same time that other consolidated schools vote, levy and collect a tax for the same purpose.

§ 146. Trustees—Incorporated—Number of—Election of First Board.—The graded common school districts, when organized as aforesaid are hereby incorporated and each of them shall be under the management and control of a board of five trustees. The first board to be elected at the same time and place and by the same persons who vote at the election for the tax, as provided in sections 136 and 140 of this law and the five persons receiving the highest number of votes shall be declared elected trustees.

§ 147. Trustees—Divided Into Classes—Election of

Vacancy, How Filled.—The trustees thus elected shall be divided by lots into three classes, to hold their offices for one, two and three years respectively, or until their successors are elected and qualified; the trustee selected for the shortest term to retire from office on the second Saturday in May following his election; and the two elected for the second shortest term, and the two elected for the longest term shall serve one and two years respectively, after the second Saturday in May following their election. On the first Saturday in May following the first election of trustees under this act and the first Saturday in May of each year thereafter, there shall be elected as trustees of common schools are elected two trustees of the said graded common school district, who shall qualify on the second Saturday of the month of their election, to succeed the two trustees retiring from office, and to serve three years, and until their successors are elected and qualified; provided, that at the next regular election of trustee, and thereafter every third year there shall be elected but one member of said board; except that vacancies occurring in said board may be filled at any regular election of trustees.

If at any time there should be a vacancy in said board, the same shall be filled by election of the remaining members, and the person elected to fill such vacancy shall hold his office until the next regular election when his successor shall be elected to fill out the unexpired term.

§ 148. Powers and Title of Board of Trustees.—The persons so elected shall be named and styled "The Board of Trustees of the ..... Graded Common School District," and in that name may sue and be sued, contract and be contracted with, and as a natural person may acquire, hold, dispose of and convey, by purchase, gift, devise or otherwise, any real or personal estate, goods and chattels, necessary and convenient for the use and purposes of such

graded common school; and the title to all such property shall vest in said board of trustees and their successors in office, to be held sacred for the use and benefit of said graded common school district.

§ 149. Vacancies in Trustees—County Judge May Appoint.—That in any graded common school district heretofore or hereafter established in which the first board of trustees has not been or shall not be elected, as prescribed by section 146 of this act, the county judge of the county in which such district is located shall have the power to fill such vacancies in the manner prescribed by section 1522 of the Kentucky Statutes, and at the next election of the trustees, as prescribed by said section 1522, five trustees shall be elected and shall be divided into classes and their terms of office held as prescribed by section 147 of this act.

§ 150. Oath to be Taken by.—Said trustees, before entering upon the discharge of their duties, shall each take an oath faithfully to perform the duties required of them under this law.

§ 151. By-Laws May be Adopted—Record of Proceedings to be Kept.—Said trustees may adopt such by-laws and rules for the government of themselves and their appointees and for the control, government and management of the graded common schools in their respective districts, as they may deem necessary, not in conflict with law, and shall keep a journal of their proceedings, which shall be open at all times to the inspection of any citizen of the graded common school district in which he or she may reside.

§ 152. Teachers—Appointment and Qualification of—Course of Study.—Said trustees shall appoint and employ a principal and all teachers, and fix their compensation, and may suspend or dismiss them, or any other person appointed or employed by them; may prescribe the branches (other

than those required by law to be taught in the common schools), which may be taught in said graded common schools, and prescribe the necessary qualifications, and the mode of examination of applicants for positions as superintendent, principals, or teachers in said graded common schools, but no person shall be appointed or employed as superintendent, principals, or teachers in said graded common schools, but no person shall be appointed or employed as superintendent, principal or teacher in any graded common school organized under the provisions of this law who is not a person of good moral character, and who has not a county certificate, as required by the common school law of Kentucky. Each teacher in a graded common school, except in cities of the first, second, third and fourth classes, shall be required to keep a register as prescribed for teachers of other common schools, which register shall be left with the president of the board of trustees, who shall be responsible for it, and return it to the teacher at the opening of the next school term. From the registers in the hands of the several teachers in the graded common schools, and the record kept by the board of trustees, the principal teacher and the president of the board of trustees shall, within ten days after the close of the school make a report to the County Superintendent, being provided with blanks therefor by the superintendent, said report to give such information as is specified in section 122 of this act.

§ 153. Secretary of Board in Cities to Report.—It shall be the duty of each secretary of the board of trustees of schools, maintained wholly or in part by the State, in cities of the first, second, third and fourth classes, to report annually, on or before the first of September, to the Superintendent of Public Instruction, such facts as will enable him, in his reports to the General Assembly, to give the important school statistics of such cities in connection with those of the county in which they are situated. The secretary shall be

supplied by the Superintendent of Public Instruction with blanks therefor.

§ 154. President and Secretary of Board—Report by.—The said trustees shall elect one of their number president, who shall preside at their meetings, and perform such other duties as may be required of him, and they may elect a secretary and prescribe his duties. The president and secretary, or either of them, shall make such reports to the County Superintendent as are required of common school trustees, and shall publish annually such information as will show the financial condition of the graded common school district, and such other facts as they may deem beneficial to the cause of education in their respective districts.

§ 155. Free Tuition to Resident White Pupil Children.—All white children within the common school age residing in any graded common school district shall have the right of free admission to the graded common school thereof.

§ 156. Terms of Admission of Children Not Residents.—The trustees may admit into said graded common school children who do not reside within said district, or persons over the common school age, on such terms and conditions, and upon the payment of such tuition and other fees as they may deem proper.

§ 157. Treasurer, Bond—Duties, Compensation of.—The said board of trustees shall appoint a treasurer for said graded common school district, who, before entering upon the duties of his office shall, in the county court, execute bond, with securities approved by the court, payable to the Commonwealth of Kentucky, for the use and benefit of the trustees of said graded common school district, conditioned for the faithful performance of his duties under this article. All funds arising from the sale of bonds under this law and all funds collected for the purpose of defraying the annual

expenses of said schools, and for the payment of the principal and interest of said bonds, or for any other purposes, shall go into the hands of said treasurer, who shall, together with his sureties, be responsible therefor. Said treasurer shall pay out said funds only for the purposes for which they were respectively collected, upon the written order of the president and secretary of said board of trustees. The board of trustees shall pay its treasurer such sum for his services as shall be reasonable and just.

§ 158. Payment to Treasurer of Pro Rata of School Funds.—The County Superintendent of Schools shall pay to the treasurer of any graded common school district that may be organized and operating in his county, in conformity with this article, the pro rata portion of the State and county funds due the said district, according to the number of pupil children therein, after the monthly and term reports as required of other schools, have been properly filed and certified to by the chairman and secretary of the board of trustees of said graded school and filed in the office of the County Superintendent. The County Superintendent may withhold the amount due for any month, until the monthly report has been properly made and filed, or he may withhold the amount due for the last month until the annual report has been properly made and filed.

§ 159. Trustee is Appointed Officer of Election—Duties of Officers.—After the first election provided for in this law, shall have been held, the tax voted, trustees elected, and the graded common school organized, the board of trustees shall appoint the officers to hold all other elections, which officers shall take an oath to be under the same responsibilities and subject to the same penalties as the officers holding State or county elections, only they shall make returns of poll-books, and certify the result of the elections to the board of trustees, who shall examine and compare the same, and issue certificates to the persons found to be elected.

TAXATION.

§ 160. Grounds and Buildings—To be Provided For—Bonds May be Issued—Limit and Sale of.—Said board of trustees shall provide funds for purchasing suitable grounds and buildings, or for erecting and repairing suitable buildings, and for other expenses needful in conducting a good graded common school in their graded common school district; and to this end they may use such part of the proceeds of the said tax as they deem necessary, and it shall be the duty of said board of trustees, and if, in their opinion, it be necessary, they are hereby authorized and empowered to order an election and submit to the voters of their respective graded common school districts the question whether or not the trustees thereof shall issue bonds of their respective graded common school districts, in any amount not exceeding the limit provided by section 157 (one hundred and fifty-seven) and 158 (one hundred and fifty-eight) of the present Constitution of this State, for the purpose of providing suitable grounds, school buildings, furniture and apparatus for their respective graded common school districts: Provided, that due notice of said election shall be given by the trustees of their respective districts, by written or printed posters not less than one foot square, signed by the trustees of their respective districts, stating the time, place, and hours of the said election, posted at not less than six public, conspicuous places in the district for ten days previous to the day of election, and by one insertion thereof in the newspaper, if any, published in said district. The board shall appoint two judges, a clerk and a sheriff to hold such election, who shall be first duly sworn before acting and shall be housekeepers and taxpayers, resident in the district for which they are appointed, and one of the judges shall ask of each voter: "Are you in favor of the issue of bonds by the trustees of the graded common schools of this district, for the purpose of providing suitable grounds, school buildings, furniture and

apparatus for this district?'' and the clerk shall record the answer, ''Yes'' or ''No,'' as given by the voter. If two-thirds of the voters voting at said election vote in favor of the issue of the bonds, then the trustees of such graded common school may issue the bonds of said district for an amount not exceeding the constitutional limit and in conformity with the Constitution of this State.

§ 161. Tax to Pay Interest on Bonds and Provide a Sinking Fund.—And for the purpose of meeting the interest on such bonds and creating a sinking fund for the payment of the principal thereof, the boards of trustees of their respective districts where the issue of such bonds is voted, are authorized and empowered to levy annually a tax in addition to that already voted, which shall not increase the tax rate for school purposes in their respective districts to more than seventy-five cents on each $100 worth of taxable property within the district.

§ 162. Bonds—Description of.—The said bonds may be of any denomination, in even hundreds, not exceeding one thousand dollars each, running not exceeding thirty years and bearing interest not exceeding six per cent per annum, payable annually or semi-annually as expressed in said bonds payable to bearer with interest coupons attached.

§ 163. Bonds to be Signed by President of Board.—The said bonds shall be signed by the president of the board of trustees and attested by the secretary thereof, shall pass by delivery, and shall be redeemable at the option of said board. Said bonds shall be sold by the trustees or their authorized agent, for the highest price obtainable, but for not less than their face par value and accrued interest, and the proceeds paid over to the treasurer and applied to the uses and purposes contemplated in this law.

§ 164. Provisions of Section 160 Applied to All Districts.—All the rights and powers as to issuing bonds and levying taxes to pay the principal and interest of same mentioned in sections 160-163 of this act as amended by the Act of the General Assembly, approved March 12th, one thousand eight hundred and ninety-six, Acts 1896, chapter 4, and for the purpose therein mentioned, are hereby applied to and conferred upon all graded common schools, maintained by any city of the fifth or sixth class, or any town or school district organized by virtue of a special act of the General Assembly. The election is to take the sense of the voters as to issuing of said bonds and levying of said taxes to be held by the board of trustees as provided in said act of one thousand eigth hundred and ninety-six.

§ 165. Tax That May me Levied—Sinking Fund.—The board of trustees of any graded common school district where the tax has been voted shall cause to be levied and collected an annual ad valorem tax, in any sum not exceeding the amount voted for in said district under the provisions of this law, upon each one hundred dollars' worth of property of every kind and character, having value and owned by any white person, company or corporation, subject to taxation within the limits of said graded common school district; or shall cause to be levied annually a poll tax in any sum not exceeding the amount voted in said district under this law, on each white male citizen residing within the limits of any graded common school district, over twenty-one years of age, or both ad valorem and a poll tax, if so voted at the said election. Provided, no levy shall be made under the provisions of this law later than the close of the fiscal year in which the last county assessment shall have been made. The board of trustees shall, out of collections under each levy, by order, set apart out of the collections of each levy, a sufficient amount to pay interest for the year on any bond issued, and the treasurer shall pay same; and, in addition, shall, out

of the several levies, until entire payment of such bonds, set aside a sufficient amount as a sinking fund, when aggregated, to meet the principal of the bonds at maturity, which sinking fund shall be kept loaned, with ample security, or profitably invested, and shall be used for no other purpose than the payment of principal of such bond. But if the board so order, the sinking fund, or any part thereof, may be used in the purchase of such bonds before maturity, except a sufficiency to pay interest on the outstanding bonds. Provided, that after July 1, 1914, any graded common school which has been regularly voted and organized, and which does not levy as much as fifty cents on each hundred dollars' worth of taxable property, shall have the power, and their charters are hereby amended so as to empower them to levy any rate of tax for operating expenses, not to exceed fifty cents on each one hundred dollars' worth of taxable property, and one dollar and fifty cents poll tax, and that their boards of education be and the same are hereby authorized to exercise this power, when, in their judgment, the demands of the school make it expedient, so that when said section is amended and re-enacted it will read as follows:

§ 166. Assessment and Collection of Tax—Duties of Officers.—The assessment of property, the collection of taxes, powers and duties of trustees and other officers in graded common school districts, shall be governed by section 135 of this act.

§ 167. Tax—Election May be Held Every Two Years. —If it be found that a majority of the votes cast upon the said proposition in the election provided for in section 136 of this act to be cast against said tax, then the said tax shall not be levied or collected. But the question of voting the said tax may, after the expiration of two years from the first or any subsequent vote, be again submitted to the legal voters of said district upon the conditions and in the manner prescribed for the first vote.

§ 168. Tax Assessment and Collection of.—The tax so imposed shall be collected on the assessed value of the property in the district as ascertained by the assessment made for State and county purposes next preceding the collection of the tax, and may be collected by the sheriff of the county or by a collector appointed for that purpose by the board of trustees; and the collector or sheriff shall have the same power in the collection of such tax as he has in the collection of a State tax, and the same penalties shall be added for a failure to pay the same, and it shall be collected at the same time and in the same manner as the State tax, and the same compensation shall be paid for its collection as is paid for collecting the State revenue.

§ 169. Tax to Pay Interest and Bonds—When Levied.—The annual tax for the payment of the interest and principal of said bonds shall be levied on the second Monday in May of each year; and when paid over to the treasurer of the board, he shall at once apply the same to the payment of the interest and principal of the bonds as required by the board. When the bonds and interest are paid the tax shall not be levied or collected nor shall the trustees, or any of them receive any compensation for their services under this law.

§ 170. Settlement of Accounts.—The collecting officer and the treasurer of the board of trustees shall settle their accounts with the board on or before the first Monday in January each year, and the board may require them to state their accounts as often as once every three months.

§ 171. Collectors Must Give Bond.—No tax collector appointed under the provisions of this act shall commence the discharge of the duties of his office until he has appeared in the county court of the county, in which the graded school is situated, and taken the oath of office and executed with good

securities, a bond similar to that prescribed by law for other tax collectors.

§ 172. Bonds May be Issued by Trustees to Pay Off Old Debts or to Refund Old Bonds.—The board of trustees of graded schools maintained by the taxation and designed for the education of children residing within certain boundaries, may, in cases where the tax now imposed in such districts is not sufficient for the expenses of the school and to pay off former obligations, issue the bonds of such districts for an amount sufficient to meet the indebtedness, and impose annually a tax of not exceeding twenty-five cents on each one hundred dollars' worth of property in the district, in addition to the tax now imposed in such districts to pay the bonds issued and the interest thereon.

The bonds alluded to in the preceding paragraph, which trustees may issue, shall be issued for any of the following purposes, namely: (1) to pay for school buildings which have heretofore been completed but not paid for; (2) to pay for school buildings, grounds, school furniture, apparatus, and to pay any debts that the trustees of the district have contracted in establishing and furnishing the same; (3) to refund bonds that were issued prior to the adoption of the present constitution, by the authority of special laws, and have matured without being paid; (4) to refund bonds issued by former boards of trustees of the district and which bonds are still outstanding and bearing a high rate of interest; provided that the said refunding bonds shall not bear a higher rate of interest than five per centum and shall run not less than twenty years.

§ 173. Bonds Issued by Board of Trustees to Conform to all Regulations Governing Bonds Voted by the People.—The said bonds issued by the board of trustees of a graded common school district to pay off old debts or to refund old

bonds shall be governed in all respects by the same laws governing bonds issued by the board of trustees on a vote of the people.

§ 174. Bonds Issued by a Majority of Board.—The said bonds shall be issued by order of a majority of the board of trustees, and no part of the proceeds of the sale of such bonds shall be used for any purpose other than the purpose or purposes for which said bonds were issued.

§ 175. Bonds of Like Schools to Graded Common Schools.—The foregoing provisions relating to the issue of bonds by boards of trustees shall apply as well to like schools under the authority and management of a board of education or other authority of a district, town or city.

§ 176. Trustees May Collect Tax and Pay Debt.—That in the event trustees do not desire to issue bonds, they shall collect the taxes provided for in the previous sections and apply to same, after paying cost of collecting, to the discharge of the indebtedness, pro rata, from year to year, till all the said debts are paid; and if, after making final levy and paying the debts, there is a residue, it shall be turned over to the district treasurer and become common funds of the district. But excepting the residue mentioned in this section, no part of the taxes or proceeds of bonds herein provided for shall be used for any other purpose than paying cost of collecting and the debts contracted by the trustees prior to the time of levying the first year's tax provided for in this chapter.

Article XI.

Teachers.

§ 177. Teachers' Certificates—Grades—Examinations—Grades of Certificates—Subjects—Dates of Examination.—

There shall be three grades of certificates issued to teachers of common schools; first, a State teacher's diploma; second, State teacher's certificate; third, a county certificate, which may be first class or second class. Before any person shall be qualified to teach in any common school, such person shall obtain one of these three grades of certificates.

The State board of examiners shall carefully prepare three series of questions for white teachers and an equal number for colored teachers, all of the same grade; shall enclose in an envelope such number of questions of each given series as the County Superintendent shall make requisition for, at least twenty days before the examination, with the name of the subject plainly written or printed across the seal thereof; shall enclose the several envelopes in a package, which they shall seal and forward by registered mail to each County Superintendent at least one week before the examination, designating on the outside of the package the month and the date for which the same shall be used. The County Superintendent shall carefully preserve the said package of questions under seal until the hour of examination; and the seal of the said package shall then be examined by the other examiners and the applicants for certificates and the package shall then be opened in their presence. Immediately after examining the package of questions, each of the county examiners shall, under his oath as an examiner, upon blanks furnished for that purpose by the Superintendent of Public Instruction, give a separate certificate, with signatures, attested by two reliable witnesses, that he had personally inspected said package, and whether he had found the same intact as provided herein, and forward the certificate to the Superintendent of Public Instruction on the same date. Separate certificates shall be made and forwarded for State and county certificate examinations.

There shall be two examinations held in each county of

the State annually, for a State certificate on the third Friday and Saturday in June and September. There shall be three examinations held for white teachers in each county of the State on the third Friday and Saturday in May, June and September of each year, and three for colored teachers upon the fourth Friday and Saturday for the same months, and no examinations for either State or county certificates shall be held at any other time whatever. No certificate shall be issued upon the dates of the examination nor shall any answer be passed upon in the presence of any of the applicants. The examiners shall exclude from the room during the examination all persons other than applicants and see that the applicants are seated at the proper distance from each other and shall see that no assistance is given or obtained by any applicant during the examination, and shall refuse to grant a certificate to any applicant who may either obtain or give such assistance. The examiners shall allot a reasonable time for the examinations on each subject, taking the subjects in the following order: 1, spelling; 2, reading; 3, writing; 4, arithmetic; 5, grammar; 6, English composition; 7, geography; 8, physiology and hygiene; 9, civil government; 10, United States History and Kentucky History; 11, theory and practice of teaching; and shall collect the answers of all applicants when the time allotted has expired and no additional subjects shall be given until the answers to the previous subjects have all been collected. The County Superintendent and at least one of the examiners shall be present and shall conduct all examinations and sign all certificates. No certificate shall be granted to any person who indulges in drunkenness, profanity, gambling or licentiousness or who is otherwise unfit to be a teacher.

§ 178. State Diplomas—Granting and Effect—Fee.—State diplomas may be issued by the State Board of Examiners after a personal examination held at the State Capitol

on the last Wednesday of July of each year, upon the subjects embraced in the common school course of study and also upon the science and art of teaching, psychology, English literature, algebra, high arithmetic, geometry, physics and elementary Latin. In order to be entitled to a State teacher's diploma, the applicant in addition to attaining on the required examination an average grade of not less than ninety per centum, the lowest grade on any subject being not less than seventy per centum, shall be at least twenty-four years old, shall have taught in the State at least two years, and shall present satisfactory evidence of unexceptional moral character. A State diploma shall be good in all schools throughout the State maintained wholly or partly by the State, until revoked by the Superintendent of Public Instruction, or until the holder shall fail for five successive years to be engaged in active school work. It shall qualify the holder for eligibility as candidate for the office of County Superintendent of Schools, and may for cause be revoked by any County Superintendent, subject to the approval of the State Board of Education, as far as it applies to his county, of which immediate information shall be given to the Superintendent of Public Instruction. Said diploma shall be impressed with the seal of the State Board of Examiners, and the fee of the applicant shall be five dollars, which shall be paid to the two members, who, with the Superintendent of Public Instruction, compose the State Board of Examiners.

§ 179. State Board of Education—High School Certificates Granted By.—That the State Board of Education of Kentucky shall have the power to determine the qualifications of and issue certificates to teachers to teach in the public high schools of Kentucky, through the State Board of Examiners, on such examinations as may be held under such rules and regulations as the State Board of Education may prescribe for said State Board of Examiners, and that the State Super-

intendent of Public Instruction may validate for extension during a term of years the certificate of any person holding such a high school certificate as prescribed by Sections 180, 181, 182, 183 and 184 of this act.

§ 180. Certificate Valid During Good Behavior—State Superintendent May Revoke.—The validation and extension of the said certificate may be made during good behavior of the holder on condition that after the proper investigation the State Board of Education, may in their judgment find that the holder of said certificate has attended professional schools and improved himself in the arts and methods of teaching to the satisfaction of said State Board. The State Superintendent shall have the power to revoke at any time, for cause, any such certificate.

§ 181. Higher Institutions in State or Out to be Recognized—Standard of Work.—The State Board of Education may, on the application of an institution of higher learning, whether within or without the State, that is not conducted for private gain, inspect such educational institutions, investigate their work, standards and courses of study, and in its own discretion, grant certificates to the students of such institutions, giving them the right to teach in the high schools of Kentucky. Such certificates shall be issued upon evidence furnished by the applicant of the work and attainments accomplished in said institutions by the applicant. No such certificates shall be given for any work done in such institutions of a lower amount or standard than that required for similar certificates issued by the State Board of Examiners, or granted to the students of the State University of Kentucky and the State Normal Schools of Kentucky.

§ 182. Teachers' Certificates in Other States Recognized.—The State Board of Education shall have the power to recognize and validate teachers' certificates of other States

which shall not be of a lower standard than the State certificate of Kentucky, and they shall have power to approve or disapprove such certificate of qualification as may be recognized by County Superintendents and county boards of education in this State.

§ 183. First Class County Certificates May Be Validated in Other Counties.—The State Board of Education shall have the power to approve the validation by the County Superintendent and county board of education of any county of any certificate issued in any other county of a grade not lower than first class. Any teacher holding such a certificate in one county of this Commonwealth shall have the right to teach in any other county of the Commonwealth on such certificate when such certificate has been validated in said county by the County Superintendent and county board of education, subject to the approval of the State Board of Education.

§ 184. Teachers of Twenty Years' Experience.—The State Board of Education, in their discretion, shall have the power to extend for life, teachers' certificates of such teachers who have had as many as twenty years of successful experience teaching in the common schools of this State, provided that no such certificate shall be of a lower class than the first class.

§ 185. State Board of Examiners—Certificates by—Examinations—State Certificates.—A State teacher's certificate may be granted by the State Board of Examiners upon the recommendation of the county board of examiners, after a written examination held in the county of the applicant's residence, or on a personal examination before the State Board of Examiners at the State Capitol, said applicant attaining an average grade of at least ninety per centum, the lowest grade upon any subject being not less than seventy per

centum, upon the subjects embraced in the common school course of study, and also upon English literature, elementary algebra, high arithmetic and the science and art of teaching. In order to be entitled to a State certificate, the applicant in addition to passing the required examination, shall be at least twenty-one years old, and shall have had two years' experience in teaching. Examinations for State teachers' certificates shall be held in all counties of the State on the third Friday and Saturday of June and September each year, and the questions for the examinations shall be forwarded by the State Board of Examiners with the questions for the June and September county examinations, at the same time and in the same package, be preserved and opened at the same time as the questions for county certificates. The applicants for State certificates shall be examined on the same days upon which the applicants for county certificates are examined in June and September and immediately upon the close of the examination for State certificates, the county superintendent shall collect the papers of each applicant for State certificate, preserve them from all inspection and immediately forward them to the State Board of Examiners, with the recommendation that the certificate should or should not be granted. No applicant shall be examined for a State certificate unless the said applicant is known to the county superintendent to possess an unexceptionable moral character and to possess the age and experience herein required. The county superintendent shall enclose with the answers a written statement, signed and sworn to by at least two members of the county board of examiners, that the examination had been held in strict accordance with the law and that the applicant had not either directly or indirectly received any assistance, and that the moral character of the applicant was unexceptionable. If the answers are deemed sufficient, and the recommendation of the county board of examiners is favorable, the State Board of Examiners may issue a certifi-

cate, which shall entitle the holder to teach in any school of the State for a period of eight years, unless revoked by the Superintendent of Public Instruction, or unless the holder shall fail for two successive years to be engaged in active school work. At the expiration of the time for which it was granted, if it shall not have been revoked by the Superintendent of Public Instruction and if the holder shall not have failed for two successive years to be engaged in active school work, a State certificate may be renewed for another eight years by the State Board of Examiners, without additional fee, provided the county board of examiners for the county where the holder at the time resides recommends the renewal of said certificate, stating that the applicant is of good moral character and that said applicant has not failed for two successive years to be engaged in active school work. In no case shall any State certificate be valid for a period longer than sixteen years. Any County Superintendent may, for cause, revoke a State certificate as far as it applies to his county, of which immediate information shall be given to the Superintendent of Public Instruction and be subject to his approval. A State certificate shall be impressed with the seal of the State Board of Examiners and the fee charged the applicant shall be four dollars, besides the registration fee for forwarding the answers, of which one dollar shall be paid to the county board of examiners. The proceeds of the fees for examination for State certificates shall be divided between the two professional members of the State Board of Examiners, in proportion to the services rendered by them.

§ 186. County Certificate.—County certificates shall be first class and second class, and shall be valid for four years and two years respectively. No county certificate shall be valid in any county other than the one in which it is issued, except that in cases of emergency a first class certificate issued in one county may be validated in another county by the county board of examiners for a period of one year. No

certificate of the second class shall entitle the holder to teach in any school or district reporting seventy-five or more pupil children. A county certificate of the first class shall require an average grade of eighty-five per centum upon all the subjects in the common school course and upon the science and art of teaching, and the lowest grade on any subject shall not be less than sixty-five per centum. A county certificate of the second class shall require an average grade of seventy-five per centum and the lowest grade on any subject shall be not less than sixty per centum. If at any time the holder of a county certificate shall be found incompetent, inefficient, immoral or otherwise unworthy to be a teacher, the county superintendent shall revoke the certificate of such person; and no teacher whose certificate has been revoked shall be entitled to receive payment for services only up to the time of revocation. No person shall be entitled to receive a county certificate of either class who was not eighteen years of age prior to the date of the examination. Nothing in this act shall be construed to require any teacher now holding a State diploma, State teacher's certificate or county certificate to be re-examined until the expiration of said certificate. A person having taught for eight consecutive years in the same county under first class certificates may have the last one renewed for a period of four years by the county superintendent, who shall write upon it "renewed," signed officially and give the date of such renewal. When a certificate has been renewed one time the teacher shall again receive two first class crtificates as stated above before it can be renewed a second time.

§ 187. State Board to Validate Foreign Certificates.—The State Board of Education of Kentucky is hereby authorized to inspect and validate for Kentucky State diplomas and State certificates of other States on the reciprocity plan.

§ 188. Record to Be Kept by Teachers—Facts to Be

Recorded in.—It shall be the duty of each teacher of a common school to keep such register of the school as the State Superintendent may require of and furnish to him as needed, through the county superintendent. The teacher's register shall be the property of the subdistrict; shall be systematically graded for at least four years' work; shall be well preserved without mutilation or useless marking; shall be in the care of the teacher during the school term, and at the close thereof, shall be delivered to the subdistrict trustee, who shall be responsible for it, and deliver it to the teacher at the opening of the next school term, and it shall be open at all times to the inspection of the trustees and the county superintendent. The section alloted to each year shall be divided into two parts, designated as monthly summary and term summary. The monthly summary shall show the day of the week and day of the month upon which the term began; the day of the week and of the month of each day taught; the number of pupils enrolled; the number in attendance each day; the name, sex and weekly standing of each pupil in each subject, and such other facts as the Superintendent of Public Instruction may desire. On the last day of each month taught, the teacher shall sum up and place at the end of the record for the month the facts herein required to be kept, with the day of the week and month on which the school month closed; the highest and lowest number of pupil-children in attendance and the average percentage of the attendance of the whole number of children in the district. The term summary shall show the monthly statement made at the end of each month, the percentage of the enrollment of the whole number of pupil children in the district, the highest, lowest and average number of children in attendance, the average percentage of the children in attendance, the number of pupils in each class, the name of the text book used in each class, the point reached by each pupil in each book at the close of the term, the names of all the pupils that should be advanced,

the class of the teacher's certificate, his average monthly salary, and such other facts as may be required in the register.

§ 189. Reports by Teachers—Blanks Furnished—Duty of Chairman and Teacher—Penalty.—The Superintendent of Public Instruction shall provide for each teacher a blank monthly report for each month to be taught, and also a blank term report. At the end of each month taught the teacher shall fill the monthly report of that month from the facts summed up in the monthly summary of the register, and shall present the monthly report to the subdistrict trustee, who shall carefully examine it, and if found correct he shall fill out and sign a certificate attached to the monthly report, certifying that the month has been legally taught; and upon the chairman of the division board's certificate the teacher shall draw his salary from the county superintendent for the month so certified, after the monthly report has been duly delivered to the county superintendent. Within ten days after the close of the last month of the term, the teacher shall make out the term report from the term summary in the register; shall present the term report, the last monthly report and the teacher's register to the subdistrict trustee, who shall carefully inspect them and approve the reports, if correct. Said term report shall then be presented to the chairman of the division board; and, if found correct, he shall sign a certificate attached to said term report, which shall then be delivered to the county superintendent. Nothing herein shall be construed to prevent a subdistrict trustee or a chairman of the division board from certifying to, or a county superintendent from paying for, a fraction of a month in any case in which the teacher, from sickness or other disability, shall be unable to continue the school. Any teacher who shall make a false monthly or term report, or any subdistrict trustee, or chairman of a division board who shall give a certificate of a month or months taught before he has carefully examined and approved the report of each month, or any county

superintendent who shall make a payment of a teacher's salary, except upon the certificates of the subdistrict trustee and chairman of the division board shall be guilty of a misdemeanor, and, on conviction, be fined fifty dollars for each offense.

§ 190. Teachers—Duties—Removal by Superintendent—Power Over Pupils—Appeal.—The teacher shall faithfully enforce in school the course of study, the use of the text books adopted in the county, and the regulations prescribed in pursuance of law; and if any teacher shall wilfully refuse or neglect to comply with such regulations, the division board may remove him, at any time, subject to the approval of the county superintendent; and in case of such dismissal or removal, the said teacher shall receive payment only for the time taught. The teacher is authorized and directed to hold each pupil to a strict accountability for any disorderly conduct on the playground, or during any intermission or recess, or on the road to and from school; and for good cause he may suspend any pupil; but such suspension shall be immediately reported, in writing, to the subdistrict trustee. In cases of suspension the action of the teacher shall be final unless reversed by the trustee. Either party may appeal from the decision of the subdistrict trustee to the county superintendent, whose decision shall be final. But no teacher shall be required or under any obligation to teach any other than the common branches prescribed by the State Board of Education in the common schools, unless it shall be so specified in a written contract with the division board.

Article XII.

Teachers' Institute.

§ 191. Organization and Holding of—Penalty for Failure to Hold.—It shall be the duty of each county superin-

tendent to organize, and cause to be held annually, a teachers' institute for the normal instruction, improvement and better qualification of the teachers in his county. The institute shall occupy not more than six days, and shall be held between the first day of July and the first day of November. The Superintendent of Public Instruction and the two professional members of the State Board of Examiners shall constitute a committee on program to prepare and place in the hands of each county superintendent, not later than June first of each year, a program of the work of the institute, and a syllabus of each subject of instruction. The program and syllabus shall be furnished each member of the institute, and shall be faithfully and efficiently carried out. Any county superintendent, who shall wilfully fail or neglect to hold the annual institute as prescribed in this article, shall be fined fifty dollars.

§ 192. Instructors May be Employed.—Each county superintendent of the State may employ one or more able and experienced institute instructors to direct each institute held by him, and to instruct the teachers thereof.

§ 193. State Convention of Institute Workers May be Called.—Beginning in 1894, the Superintendent of Public Instruction may, annually, call all of the professional institute workers of the State into institute convention at the State Capitol, during the month of May, for the purpose of better organization and more effective management of institute work. At the said institute convention, the whole subject of institute work shall be thoroughly discussed and the best plans for prosecuting it throughout the State shall be adopted and used in all counties. The said institute convention may suggest to the committee on programs; principles, subjects and methods for incorporation in the program syllabus.

§ 194. Teachers to Attend—Penalty for Non-Attend-

ance—Excuse—Duty of Superintendent.—Every teacher of a common school, including teachers of the graded common schools in cities of the fifth and sixth classes, who hold a State diploma, State certificate or county certificate, or who contemplate applying for a certificate of qualification to teach in the common schools, shall attend the full session of the institute in his home county, unless he is teaching in another county in which the institute is yet to be held, or has attended the institute of a county in which he has a contract to teach. If teaching in a county other than his home county, whose institute is yet to be held, he must attend the full session of the latter. The county superintendent shall revoke the certificate of any teacher who shall fail or neglect to attend the full session of the institute, unless the superintendent shall be fully satisfied that such failure has been caused by actual sickness or other disability. After the county institute has been held, it shall be unlawful to grant any person a certificate to teach at any time during that school year, unless the said person shall have attended the full session of the institute of that or some other county during that school year, or unless the county superintendent shall be fully satisfied that the failure to attend the institute has been caused by sickness or other disability. During the institute, there shall be a suspension of all the schools that are in session, but no reduction of the teacher's salary shall be made on account of such suspension. The time of actual attendance upon the institute in days and parts of days shall be accredited to the teachers, if institute be held during the session of his school. At the close of the institute, the county superintendent shall give to each teacher or other person in attendance a certificate of the number of days and parts of days that the teacher or other person has attended, which certificate of attendance shall be filed by the teacher with the chairman of the division board of education of the district, who shall make report

thereof to the county superintendent at the time of reporting the school.

§ 195. Joint Institutes—Instructors—To be Engaged.—Any adjoining counties, not exceeding four in number, may combine and hold a joint institute; provided, the county superintendents of all the counties concerned shall agree upon the plans necessary to the purpose; that each of them shall attend the full session of said joint institute, and keep the record provided in Section one hundred and ninety-six of this act, and that at least two able and experienced instructors are employed, if more than two counties are combined.

§ 196. Superintendent to Attend—Publication of Proceedings—Fee Paid by Teachers.—The county superintendent shall be present during the entire session of the institute; shall have the roll called every morning and afternoon; shall keep a strict daily register of the presence, absence and tardiness of the teachers and other members, and of the exercises of the institute, and after the close thereof, shall have the proceedings printed in one or more newspapers. He may collect two dollars, but in no case shall he collect less than one dollar, from each teacher or other person in attendance on the institute, except honorary members, and twenty-five cents of the sum so collected from each person shall be paid into the county library fund. From the fees collected from the teachers and other persons in attendance the county superintendent shall pay all the necessary expenses of the institute. The proceedings shall be published in such local papers as will do this without charge, and one copy shall be forwarded to the office of the Superintendent of Public Instruction. Any residue, after the payment of institute expenses shall also be paid the county library fund. In case of a joint institute, any surplus fund shall be prorated among the counties concerned.

§ 197. Notice of Time and Place of Meeting.—In select-

ing the proper place for holding the teachers' institute, the county superintendent shall decide with reference to the convenience and accommodations of the place, and shall endeavor to make such arrangements as he best can for economizing and reducing the expenses of teachers while in attendance. He shall, twenty days before the institute begins, notify by mail, the trustees of his county of the time and place of holding it; and it shall be the duty of each trustee to notify promptly every teacher in his school subdistrict. The county superintendent shall likewise direct the trustee of each subdistrict to post notices thereof.

§ 198. Normal Instructors May be Employed—How Paid.—The Superintendent of Public Instruction may, when requested by a county superintendent, recommend able and experienced normal instructors to conduct the teachers' institute, whose pay shall be derived from and paid by the county superintendent out of the funds raised from the teachers and other members of the institute.

§ 199. Subject of Instruction.—At each session of the institute, every subject embraced in the common school course shall be brought before the institute, illustrated and discussed, and every feature of school organization and school management, together with the whole work of the teacher, shall be considered, and the common school laws of the State read and expounded.

§ 200. County Teachers' Associations—Organization and Meetings.—During the session of the institute there shall be held a county teachers' association and one hour in the afternoon or night meetings shall be daily set apart for this purpose. The association may be composed of all the officers and teachers of common schools present, and shall be called together by the county superintendent, who shall be ex-officio president. The object of such associations shall be, primarily,

to discuss and devise the best ways and means of promoting the interest of education, the improvement of teachers, and the methods of teaching, and especially to devise means for securing better school houses, better attendance, and local aid for common schools. The said association shall be a permanent organization, with one vice-president for each magisterial district, to be elected or appointed; and shall hold at least one meeting in each magisterial district, besides the meeting at the institute, during the first six months of each school year. Every teacher shall attend at least the meeting held in the magisterial district in which he shall teach, and upon failure to do so, shall teach an additional day during the school month following such failure, unless he shall satisfy the county superintendent that such failure was caused by sickness or other actual inability. The county superintendent shall attend each meeting of the association and shall prepare or have prepared a program of the exercises therefor.

§ 201. Report of County Superintendent.—The county superintendent shall, at the time of making his annual report to the superintendent, also report the time and place of holding the teachers' institute, the name of the person or person conducting the same, the number of persons registered as in attendance, the sum collected by a fee from each person in attendance, the number of teachers of common schools in the county who did not attend the institute and teachers' association; and such other facts as he may deem of value and interest.

Article XIII.

County and District Libraries.

§ 202. County Library—Where and by Whom Kept—Funds For.—There shall be a county teachers' library in each county of the Commonwealth, to be kept under the care and in the office of the county superintendent, for the exclus-

ive use and benefit of the teachers of the county. The sums collected for the purpose at each annual institute, and all sums added thereto by donation, shall constitute the county library fund, which shall be kept and accounted for by the county superintendent.

§ 203. Library Committee — Who Constitute. — The county superintendent, as chairman, and two persons annually elected by the county institute, shall constitute a library committee, for the selection and purchase of books, periodicals and furniture, and for the adoption of rules for the management of the library under the regulations of the State Board of Education. The Superintendent of Public Instruction shall supply each of these libraries with a bound copy of each edition of the school law, of his biennial reports, and other publications of his department. **The library committee shall** keep a permanent record of its acts and accounts open at all times for the inspection of the teachers; and, through its chairman, shall annually report to the county institute an itemized statement of all sums received and expended; the number, names and cost of books; and other articles purchased; all donations of books and periodicals, with the names of the donors; the number of books belonging to the library; the number in the library; the number on loan, and such other facts as may be required; and, in his annual report to the Superintendent of Public Instruction, the county superintendent shall state the sums received, the sums expended, the number of volumes in the library, and the increase during the year.

§ 204. District Management—Organization and Management.—When by contribution, purchase or otherwise, forty volumes can be collected for such purpose, the subdistrict trustees may organize a district library in connection with the school of the subdistrict, which shall be for the use of the subdistrict in which the same is located. They may make

such suitable arrangements for keeping the books and periodicals of the said library as may be necessary, and may appoint a suitable person to take charge of the same, and to manage it according to such rules as they may prescribe, subject to the regulations prescribed by the county superintendent.

§ 205. Trustees to Control—Books That Shall Not Be Kept—Regulations.—The trustees shall have the same control over the library as over the other school property, may receive donations of books, maps, charts and other works of interest. But no books of a sectarian, infidel or immoral character shall be placed in the library; and any such books found therein shall be removed by order of the trustees or of the county superintendent. The library shall be free to all pupils of suitable age belonging to the schools of the sub-district, but any resident of the subdistrict may become entitled to its privileges upon the payment of such sum of money for membership as the trustees may prescribe.

Article XIV.

Colored Schools.

§ 206. Donation or Devise To—By Whom Held.—All sums arising from any donation, gift, grant or devise, by any person whatsoever, wherein the intent is expressed that the same is designed to aid in the education of the colored children in this Commonwealth, or any county or school district therein, shall be held and used for the purposes specified in such donation, gift, grant or devise; and the Superintendent of Public Instruction, county superintendent of common schools of the county, and county board of education shall receive such donation, gift, grant or devise for the benefit of the colored schools of the State or particular county or subdistrict, respectively, and shall hold and use the same as requested by the donor or devisor.

§ 207. Census of Pupils—How and When Taken—Designation of Districts.—The number of colored children in each district between the ages of six and twenty years, shall be taken and reported at the same time and in the same manner as required by law for taking the census of white children. All colored districts shall be designated by letters in alphabetical order for each county, as District A, District B, and so on.

§ 208. Teachers' Institute—Organization of.—The colored school officials and teachers shall be organized into teachers' institutes for themselves, in the same manner and to the same extent as provided in Sections 191 to 201, inclusive, of this act.

§ 209. Penalties Prescribed—Enforcement of.—All duties which are required of any officer under this chapter shall be performed by them under the penalties herein prescribed; and when no penalties are prescribed, then the officer failing to perform the duties imposed shall be guilty of a misdemeanor, and, upon indictment in the circuit court of the county in which said misdemeanor may occur, shall be subject to a fine in any amount, in the discretion of a jury, and the Superintendent of Public Instruction shall give information of all failures or neglect of duty which come to his knowledge to the attorney for the Commonwealth in the county in which the failure to perform or neglect of duty shall occur. The Superintendent of Public Instruction shall issue, as occasion demands, a circular letter to the circuit judges of the State, setting out the methods by which frauds have been committed against the State school funds, and other violations of the school law perpetrated, and request that they call the attention of the grand juries to the same.

§ 210. (1) White and Colored Not To Be Taught in the Same College—Penalty.—That it shall be unlawful for

any person, corporation or association of persons to maintain or operate any college, school or institution where persons of the white and negro races are both received as pupils for instruction; and any person or corporation who shall operate or maintain any such college, school or institution, shall be fined $1,000.00, and any person or corporation who may be convicted of violating the provisions of this act shall be fined one hundred dollars for each day they may operate said school, college or institution, after such conviction.

(2) That any instructor who shall teach in any school, college or institution where members of said two races are received as pupils for instruction shall be guilty of operating and maintaining same and fined as provided in the first section hereof.

(3) It shall be unlawful for any white person to attend any school or institution where negroes are received as pupils or receive instruction, and it shall be unlawful for any negro or colored person to attend any school or institution where white persons are received as pupils or receive instruction. Any person so offending shall be fined fifty dollars for each day he attends such institution or school; Provided, That the provisions of this law shall not apply to any penal institution or house of reform.

(4) Nothing in this act shall be construed to prevent any private school, college or institution of learning from maintaining a separate and distinct branch thereof, in a different locality, not less than twenty-five miles distant for the education exclusively of one race or color.

Article XV.

County High Schools.

§ 211. High Schools—Concerning—Duty of the County Board of Education.—(1) Within two years after the passage and approval of this act, there shall be established by the county board of education of each county one or more county high schools; Provided, There is not already existing in the county a high school of the first class. If such high school already exist, and if the county board may be able to make such an arrangement with the trustees or board of education of said high school as will furnish to the pupils completing the rural school course free tuition in said high school, then said high school may be considered as meeting the purpose of this law without the establishment by the board of another high school. The county board of education in the various counties shall have full power and authority to unite with the governing authorities of any city or town in their respective counties for the purpose of establishing a high school for the joint use of the city or town and such county, and to unite with such authorities for the purpose of maintaining such high school if one be already in existence.

For this purpose, said county boards are hereby given full power and authority to make such contracts as they may deem necessary or proper for the establishment and maintenance of such high schools for the joint use of the county and such city or town. Said contract shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, course of study, payment of expenses of the school and the control and discipline of the pupils; Provided, That the total expense of conducting said high school, including estimate of the six per cent. per annum on all investments in buildings, grounds and equipment, shall be pro rated between the two boards of education in

proportion to the enrollment respectively of county pupils and pupils residing in said town, city or graded school district for the term of the first half of the session and likewise for the term of the second half of the school session, the entire school session being in no case less than eight school months.

§ 212. Provided, however, That said contract tuition rate shall in no case exceed the rate charged for other pupils.

The first county high school to be established in the county shall be located at the county seat, provided there is not already existing in the county seat a high school of the required grade.

The county high schools of this Commonwealth shall be of the first, second and third class.

A first class high school shall maintain a four years' course of study, which shall be prepared by the State Board of Education. Such course of study may provide for instruction in manual training, domestic science and elementary agriculture.

High schools of the second class shall maintain a course of three years, identical with the first three years of the first class schools.

High schools of the third class shall maintain a course of two years, identical with the first two years of the first class high school.

(2) When county high schools shall be established as provided in this act, it shall be the duty of the county board of education to employ and fix salaries of said teachers necessary to the efficient conduct of said high school and prescribe

the course of study to be pursued, but said course of study shall not be below the standard fixed by the State Board of Education.

Said board shall also have the right to select the text books to be used in said high schools.

If any person who has enrolled in the high school reaches the age of twenty years and in good faith desires to continue said high school work each consecutive year, it shall be and is hereby made the duty of the county board to permit said person to continue said high school work under the same terms and conditions as before reaching the age limit for attending school until said high school work has been completed.

Article XVI.

Compulsory Attendance.

§ 213. Parents and Guardians to Send Children to School—Exceptions.—Every parent, guardian or other person residing within the boundary of the county school district law, and having the custody, control or supervision of any child or children between the ages of seven and twelve years, inclusive, shall cause such child or children to be enrolled in and to attend some public or private day or parochial school regularly for the full common school or graded common school term in each year in the common school district of the county in which such child or children may live in this Commonwealth; provided, however, that this act shall not apply in any case where the child has been or is being taught at home in such branches as are taught in the public schools for a like period of time and subject to the same examination as other pupils in the district in which such child resides; and for the purpose of ascertaining whether or not any child is embraced within this exemption the county court may order such child to submit to an examination to be given by the County Super-

intendent of Schools: Provided, further, that this section shall not apply to any child who is excused by the County Board of Education, upon its being shown to the satisfaction of the County Superintendent of Schools that such child is not in proper physical or mental condition to attend school.

§ 214. Penalty for False Statement.—Any parent, guardian or other person having the custody, control or supervision of any child embraced within the provisions of this act, who, with the intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attended school, shall be deemed guilty of misdemeanor, and upon conviction thereof may be fined in any sum not exceeding fifty dollars or by imprisonment in the county jail not exceeding thirty days, or both so fined and imprisoned at the discretion of the court.

Any parent, guardian or other person having the custody, control or supervision of any child embraced within this act who shall be proceeded against under this act, may prove in defense that he is unable to compel the child under his control to attend school, and he may thereupon be discharged from liability, and such child shall be proceeded against as a delinquent child under the statutes in such cases made and provided.

§ 215. Penalty for Violation.—Any parent, guardian or other person failing to comply with the provisions of this act shall forfeit to the use of the schools within the district in which such child lives a sum not less than five dollars ($5.00) nor more than twenty dollars ($20.00) for the first offense, nor less than ten dollars nor more than fifty dollars for the second and every subsequent offense, and cost of suit.

§ 216. Teachers to Report Absence of Children.—It shall be the duty of the teachers to report promptly and regularly to the subdistrict trustees or other local school

officers and to the County Board of Education, through the County Superintendent of Schools, the names of all parents, guardians or other persons who fail to comply with the provisions of this act. It shall then be the duty of said subdistrict trustee or other local school officers, and said County Boards of Education through the County Superintendent of Schools to give written notice to the parents, guardians or other persons having control or custody of such child that the attendance of such child is required, and if such parent, guardian or other person having control or supervision of such child does not comply immediately with the provisions of this act, then said subdistrict trustees or other local school officers, and said board of education, shall proceed against such child as a delinquent child, and against such parents, guardians or other persons having the custody, control or supervision of such child for violation of this act for contributing to the delinquency of such child.

§ 217. County Court Has Jurisdiction.—The county courts of the respective counties of the Commonwealth shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act, and any fines or penalties shall be recovered by capias pro fine as other fines are collected.

§ 218. Record of Birth and Age of Child.—A passport, a duly attested transcript or the certificate of birth or baptism, a certified copy under oath of a record in the family Bible, or other religious record, showing the date and place of birth of such child shall be produced as proof of age. In case such certificate or record as hereinbefore provided can not be secured, upon proof of such fact, the record of the age stated in the first enrollment to be found shall be considered as evidence thereof. If there be no school enrollment showing such fact, other evidence as to the age of said child shall be considered.

ARTICLE XVII.

§ 219. Local Schools—Acts Affecting—
Morganfield, Union County School—Acts 1906, p. 347.
Kuttawa, Lyon County School—Acts 1906, p. 423.
Corinth, Grant County School—Acts 1906, p. 424.
Graded School in Johnson County—Acts 1908, p. 207.
Catlettsburg Colored School—Acts 1912, p. 218.
Adairville Public School—Acts 1912, p. 223.
Morganfield Public School—Acts 1910, p. 340.
Dycusburg Public School—Acts 1910, p. 340.

ARTICLE XVIII.

§ 220. Seminaries—Trustees—Appointment of—Whenever the number of the trustees of any county academy or seminary heretofore created by Act of the General Assembly of the Commonwealth of Kentucky has been reduced by death, resignation or otherwise, to less than a quorum, the county court of the county for which such academy or seminary was created shall have authority, and it shall be its duty, to fill said vacancy by appointing trustees for such academy or seminary. The trustee so appointed shall have the authority heretofore conferred, or that may be hereafter conferred, upon trustees of such academy or seminary.

ARTICLE XIX.

SCHOOL SUFFRAGE FOR WOMEN.

§ 221. Qualification.—That all women possessing the legal qualifications required of male voters in any common school election, and who in addition are able to read and write, shall be qualified and entitled to vote at all elections of school trustees and other officers required to be elected by the people, and upon all school measures or questions submitted to a vote of the people; and all women possessing the legal qualifications required as to males shall be eligible to hold any school office or office pertaining to the management

of schools. Provided, however, that this act shall not apply to any election the qualifications of the voters at which are otherwise prescribed by the Constitution nor to any office as to which the Constitution otherwise prescribes the qualifications of the persons eligible thereto.

§ 222. Registration.—In all places where a registration of the qualified voters is now or may hereafter be required, women who are, by this act, qualified to vote, shall be registered at the same time and place and by the same officers and in the same manner as male voters; their registration, however, being made in a separate book to be furnished by the county clerk as is prescribed by law in the case of male voters. And all the provisions of law relating to the registration of male voters are hereby made applicable to the registration of women qualified to vote by this act.

§ 223. Separate Ballots.—When the elections referred to in section 221 of this act are held on the same day with the State, county or city elections, separate ballots similar to those required in other elections, except that they contain only the names of the candiadtes for school officers or questions relating to schools, shall be provided for women voters qualified under this act; otherwise the elections shall be held according to the provisions of the general election law.

Article XX.

Building School Commission to Appoint Term and Qualification of Members.

§ 224. County Judge.—Upon application, in writing, of 250 householders residing in the district, as hereinafter described, it shall be the duty of the county judge of a county to appoint four persons, two of whom shall be members of the Democratic party and two members of the Republican party, to constitute a building school commission. Each appointee shall be at least twenty-five years of age and reside within the district, and be the owner in his own right of

real estate. No officer or employe of the State or of any city or county, whether holding a paid or unpaid office, shall be eligible to appointment to said commission. Such appointee shall be subject to the approval of the fiscal court of said county. The term of office shall be four years, and if the work therein provided for is sooner completed such term of office shall expire at such completion. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

The district for which said commission is appointed and which shall constitute the district as hereinafter mentioned, shall be the whole county, or, where said county contains an incorporated town or towns wherein is maintained a public school which is, in whole or in part, supported by taxation levied alone upon the property in said town, then the balance of said county.

§ 225. Commission—Body Politic Powers.—The persons appointed as provided in the first section, and their successors, shall constitute a body corporate under the name of Building Commission of ..... County (the name of the county in which they are appointed being used to fill the blank), and shall have official capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter the same at pleasure. Such commission shall elect a chairman from the appointed members. The appointed members of the commission shall receive no compensation, but shall be allowed their expenses of travel when on business of the commission. It shall have authority to employ such clerical or other assistance as the board may deem necessary.

§ 226. School Houses to be Built.—It shall be the duty of the commission to make such careful examination of the method of constructing and furnishing public school houses as may enable it to determine the best plan of erecting and

furnishing the same, including ventilation, heating and lighting. The commission shall have the power to employ one or more architects to submit plans for such construction and furnishing, together or separately, and to attend to the carrying out of the same, and pay a reasonable compensation therefor.

§ 227. Bond to be Given by Employes.—The commission shall exact from its officers and employes such bond, with approved surety, as seems to it discreet, and fix the form of such bond. The premium on such bond shall be paid by the commission.

§ 228. Plans to be Submitted to County Board.—When the commission shall have determiend upon a plan for the erection and furnishing of a school house or school houses in said district, it shall lay said plans before the County Board of Education. If said plans so recommended by the commission be adopted by the County Board of Education, then said commission shall have the right to proceed to acquire, by purchase or condemnation, all property necessary for such school houses and playgrounds, and the erecting and furnishing of said school houses so approved.

§ 229. Contract—How Let.—All work to be done or supplies or materials to be purchased in carrying out the purposes of this act and involving an expenditure of $500 or more shall be by contract awarded to the lowest and best bidder; but the commission, with the consent of all of its members, may itself do any part of such work under such conditions as it may prescribe, whenever the Superintendent of Construction shall, in writing, recomemnd that course. All bids or parts of bids for any work or supplies or materials may be rejected by said commission. This section shall not apply to nor be construed so as to limit the power of the commission in the appointments of architects, clerks or agents.

§ 230. Bonds May be Voted.—In order to provide money for the acquisition of property for school sites and the erection and furnishing of school buildings the fiscal court of any county may adopt a resolution submitting to the voters of the district, at the November election, occurring ninety days after the entry of the order, and succeeding the appointment of the commission, the question whether bonds of the district shall be issued for the purpose of carrying out the work herein provided for. The resolution of the fiscal court shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be issued, which shall in no event exceed the limit fixed by the Constitution, and the resolution shall also contain the necessary details in reference to the execution and delivery of said bonds, their denomination, coupons to be annexed, tax to be levied to pay the interest and sinking fund to retire such bonds.

§ 231. Bonds to be Sold—Depository to be Selected.—When the voters of the district shall determine that such bonds shall be issued they shall, when so issued, be placed under the control of said commission, who shall determine when and at what price and how they shall be sold; provided that no such bonds shall be sold at less than par, and provided, further, that any premiums which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold their proceeds shall go to the credit of the commission in some depository which shall be selected for the deposit by the commission, and shall be withdrawn only upon the checks of the secretary and treasurer of the commission, countersigned, in such manner and accompanied by voucher approved in such manner as may be prescribed by regulations to be adopted by the commission; provided, that the said commission shall exact of said depository bond, with surety,

for the faithful accounting for and paying over of such money as may be from time to time drawn upon.

§ 232. Expenses to be Borne by Commission.—The commission may select its necessary employes prior to the election on the subject of issuing bonds as provided in section 230 of this act; but no compensation shall be paid to either of such officers for any work done until after the bonds have been voted. All disbursements of the commission, including compensation to its officers, agents and others employed by it, shall come out of the proceeds of the sale of said bonds. The duties prescribed for the commission in sections 226, 227, 228, 229, and 231 of this act, hereof, shall not be performed, until and unless bonds have been voted as provided in section 230 of this act.

§ 233. Levy to be Made by Fiscal Court.—It shall be the duty of the fiscal court of the county to levy annually, upon the property subject to taxation in the said district, a sufficient rate to pay the interest on the said bonds and the sinking fund provided for in the order, and the principal of said bonds when the same shall mature. It shall be the duty of the sheriff of the county to collect such levy and turn over the same to the county treasurer, who shall apply the funds thus collected to the payment of the interest and principal of the bonds. And it shall also be the duty of the county treasurer, under the direction of the County Board of Education, to invest the money derived from the sinking fund in such securities as may be approved by said County Board of Education.

§ 234. Title to Property Vested in County Board of Education.—The title to all property acquired by said commission shall be taken in the name of the County Board of Education and all money in the hands of the commission after defraying any liabilities which have been incurred by

the commission, shall be paid into the hands of the county treasurer, to be used as a sinking fund for the bonds hereinbefore provided for. The commission shall pay out of the proceeds of the sale of said bonds all valid claims for damages or otherwise which may be preferred against it, and neither the county nor the district shall be liable for any debt which the commission may incur, or any claim for damages which may be asserted or awarded against the commission.

§ 235. County Attorney to Advise Board.—All legal services or advice which may be required by the commission shall be rendered by the county attorney and his assistants without additional compensation.

§ 236. County Boards to Canvass Votes.—It shall be the duty of the fiscal court to canvass the votes of the election provided for in section 230 hereof, and upon its appearing that two-thirds of the voters in the district voting upon the question shall have voted in favor of the issue of said bonds, shall certify this fact by an order to be entered upon the order book containing the proceedings of the fiscal court. The said bonds shall contain a certificate that they have been duly issued under the provisions of this act, and such certificate shall be conclusive evidence that all steps preliminary to their valid issue have been regularly taken.

§ 237. Tax Levy to be Continued.—The fiscal court shall have power and authority, and it shall be its duty, to continue to levy said tax on the property of the entire district which voted the said bonds, notwithstanding any part thereof may be subsequently incorporated into any town, city or other municipal subdivision.

§ 238. All acts and parts of acts in conflict with this act are hereby repealed.

§ 239. In all years in which text books are selected and

adopted by the Text Book Commission for the elementary schools of Kentucky said selection and adoption shall be made not later than the first day of May of the year in which such are made.

Mr. T. R. Jones offered the following amendment to said bill, viz.:

Amend Senate Bill 85 as follows:

By striking the following beginning with the word "Be" in the line after the twentieth line:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter 113 of the Kentucky Statutes, Carroll's edition of 1915, being sections 4363 to 4535h, inclusive, excepting sections 4421a and 4421b relating to common schools be and the same is hereby repealed and the following enacted in lieu thereof, and inserting in lieu thereof the following:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter 113 of the Kentucky Statutes, Carroll's edition 1915, being sections 4363 to 4535h, inclusive, except sections 4421a and 4421b and sections 4527 to 4535c, inclusive, relating to common schools, be and the same is hereby repealed and the following enacted in lieu thereof:

Said amendment was agreed to.

Mr. T. R. Jones offered the following amendment to said bill, viz.:

Amend section 94, page 45, line 24 by striking out the

word "annually" and substituting the word "biennially" therefor.

Amend section 121, line 2, by striking out the word "annually" and substituting the word "biennially" therefor.

Said amendment was agreed to.

Mr. T. R. Jones offered the following amendment to said bill, viz.:

Amend section 94, page 45, line 28, by adding the following:

"For the years in which no census is required to be taken under this act, the Superintendent of Public Instruction shall determine the amount of per capita to be paid over to the county board of education in every county by adding annually to the number of children of school age as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the county upon averaging the yearly increase shown by the three actual enumerations next preceding; provided, however, that the county board of education of any county or Superintendent of Public Instruction may elect to take an actual census in any such years, in which case the return of such census shall govern. The Superintendent of Public Instruction shall, in his biennial report, give a statement of the estimated census for any year included in said report, wherein distribution of per capita may have been made upon estimated census, as provided herein, in such manner as to show clearly the actual enumeration upon which such estimates may have been based and the manner in which the estimated census has been completed.

Said amendment was agreed to.

Mr. T. R. Jones offered the following amendment to said bill, viz.:

Amend Senate Bill 85, section 14, by striking out all of the words beginning with "when" in line 19, to "common schools" in line 28, inclusive.

Said amendment was agreed to.

Mr. T. R. Jones offered the following amendment to said bill, viz.:

Amend Senate Bill 85, section 129, page 60, by striking out all of lines 27 to 32, inclusive.

Said amendment was agreed to.

Mr. T. R. Jones offered the following amendment to said bill, viz.:

Amend section 165 by striking out line 35, beginning with the word "so" and striking out all of line 36.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. B. Harvey	A. B. Pieratt
C. H. Bays	W. C. G. Hobbs	W. A. Price
Chas. D. Bratcher	A. B. Holland	J. D. Pumphrey
G. G. Brashear	David J. Howard	Harry P. Purnell
Frank J. Brown	J. M. Howell	D. S. Richardson
W. H. Brown	Chas. L. Hunter	John T. Roach
E. Bullock	J. M. Johnson	Lewis Ryans
Henry A. Cannon	T. R. Jones	L. M. Smith
Glover H. Cary	W. H. Jones	Claude B. Smith
R. A. Cook	Wm. J. Kuh	John W. Snider
A. S. Cooper	W. T. Lasley	Adam Spahn
S. B. Coleman	M. E. Lee	Thomas Spurrier
W. P. Cropper	Dr. J. E. Lilly	Ed. D. Stone
James S. Cruse	W. R. Lyon	R. C. Tartar
H. C. Cummins	Jacob Metzger	J. H. Thompson
S. C. Dobbs	Harry J. Meyers	Robt. R. Treadway
Jas. R. Dorman	Claude D. Minor	F. C. Trivette
Thomas A. Dover	G. B. Moores	J. Wood Vance
W. E. Dowling	John T. Murphy	J. W. Wall
Odie Duncan	B. F. McAtee	John S. Webb
J. R. Durham	E. B. McGlone	W. M. Webb
J. M. Elliston	W. J. McMurray	Frank M. White
T. T. Gardner	L. T. Neat	J. D. Wills
Wm. Gearheart	C. B. Nichols	M. O. Wilson
W. G. Gooch	S. Mazyck O'Brien	Louis E. Yewell
C. H. Grimes	A. J. Oliver	E. G. Young
J. S. Hall	Geo. L. Pickett	—80

Mr. T. R. Jones offered the following amendment to the title of said bill, viz.:

Amend title to Senate Bill 85 so that it will read as follows:

An act to repeal chapter 113 of the Kentucky Statutes, Carroll's edition of 1915, being sections 4363 to 4535h, inclusive, except sections 4421a and 4421b and sections 4527

to 4535c, inclusive, and re-enact the same chapter with the articles and sections amended, corrected, rearranged, simplified, and the repealed sections and parts of sections omitted, and fixing the time of year at which text book adoption shall be made.

Said amendment was agreed to.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration the report of the conference committee appointed to confer on House amendments to Senate Bill 131.

Said report reads as follows:

We, the undersigned members of the conference committee appointed by the President of the Senate and the Speaker of the House to consider House amendments to Senate Bill 131, which were not concurred in by the Senate, beg leave to report as follows:

We met on the 7th day of March, and agreed that the first amendment to said bill should be stricken out, and the following amendment inserted in lieu thereof.

Amend the title of said bill by striking out of said title on page 1 the following language: "To define regular practicing attorneys as used in this act." We concur in the second amendment adopted by the House, which is in words and figures as follows: In section 2, page 2, in lines 7 and 8, strike out the words: "except the names of regular practicing attorneys as hereinafter defined." We also concur in the third amendment, which is in words and figures as follows:

On pages 4 and 5, strike out all of section 6. We did not concur in the fourth and last amendment, which is in words and figures as follows: On page 6 strike out all of said section, and we agreed that section 12 should remain in said bill. We agreed to amend said bill so that section 7 shall be made No. 6; No. 8 be made No. 7; No. 9 be made No. 8; No. 10 be made No. 9; No. 11 be made No. 10; and No. 12 be made No. 11.

We respectfully ask the adoption of this conference report.

J. R. ZIMMERMAN,
HITE HUFFAKER,
R. A. COOK.

We respectfully dissent from as much of the above report as reinstates section 12 of Senate Bill 131.

N. A. FROST,
L. M. SMITH.

Said minority report was disagreed to.

Said majority report was concurred in.

Mr. Meyers moved that the title of said bill be amended as stated in the said majority report.

Said motion was agreed to.

The yeas and nays being taken on the passage of said bill as amended by said majority report in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Chas. D. Bratcher	E. Bullock
Geo. B. Barrett	G. G. Brashear	Henry A. Cannon
C. H. Bays	W. H. Brown	Glover H. Cary

R. A. Cook
A. S. Cooper
W. P. Cropper
R. T. Crowe
James S. Cruse
H. C. Cummins
S. C. Dobbs
Jas. R. Dorman
W. E. Dowling
J. R. Durham
J. M. Elliston
L. L. Embrey
T. T. Gardner
Wm. Gearheart
W. G. Gooch
C. H. Grimes
J. S. Hall
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
R.B.Hutchcraft,Jr.
R. B. Jackson
J. M. Johnson
T. R. Jones
W. H. Jones
H. Clay Kauffman
Wm. J. Kuh
W. T. Lasley
Dr. J. E. Lilly
W. R. Lyon
Dr. C. W. Mathers
Jacob Metzger
Claude D. Minor
S. Montgomery
G. B. Moores
B. F. McAtee
E. B. McGlone
W. J. McMurray
L. T. Neat
S. Mazyck O'Brien
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
Richard Radcliffe
D. S. Richardson
John T. Roach
Joe Schneider
L. M. Smith
E. D. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Thomas Spurrier
Ed. D. Stone
R. C. Tartar
J. H. Thompson
Robt. R. Treadway
J. W. Wall
John S. Webb
W. M. Webb
Frank M. White
J. D. Wills
M. O. Wilson
Louis E. Yewell
E. G. Young

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Mr. Meyers moved that the vote by which said bill passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills originating in the House of the following titles, viz.:

H. B. 114. An act to repeal the charter of the town of Flat Gap in Johnson county.

H. B. 401. An act to regulate the licensing of vehicles

operating between two or more municipalities within the Commonwealth of Kentucky.

With Senate amendments thereto.

Mr. Meyers moved that the House concur in the said Senate amendments adopted to said House Bill 401.

Said motion was agreed to.

(For said bill see House Journal of March the 6th.)

The amendment as proposed to said bill by the Senate is as follows:

Resolved, that House Bill 401 do pass with the following amendment, viz.:

Amend House Bill 401 in the Senate by striking out lines from one to ten inclusive, and inserting in lieu thereof the following:

"Where any person or corporation owning or operating any horse drawn vehicle plying the streets of any municipality within the Commonwealth of Kentucky has obtained a license to operate said vehicle in the municipality in which the owner resides, or has his or its principal place of business, and has paid the fees and complied with the requirements required by said municipality, then said owner shall have the privilege of operating his said vehicle upon the streets of any other municipality or municipalities within this Commonwealth without the payment of any or additional license fee to any other municipality or municipalities; provided, however, that such license shall not authorize the holder thereof to establish his principal place of business, or to conduct his principal business, in any city other than the one granting the license, and the business done under the

license as aforesaid in any city other than the one granting such license shall be an incident only to the regular business of such license, as conducted by him in the city granting the license."

Said amendment was concurred in.

The question being taken on the passage of said bill as amended it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey
C. H. Bays
Frank J. Brown
E. Bullock
Henry A. Cannon
Glover H. Cary
R. A. Cook
A. S. Cooper
S. B. Coleman
W. P. Cropper
R. T. Crowe
James S. Cruse
S. C. Dobbs
Jas. R. Dorman
William Duffy
J. R. Durham
J. M. Elliston
L. L. Embrey
T. T. Gardner
Wm. Gearheart
W. G. Gooch
C. H. Grimes
J. S. Hall
W. B. Harvey
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
R.B.Hutchcraft,Jr.
T. R. Jones
H. Clay Kauffman
Wm. J. Kuh
Dr. J. E. Lilly
Dr. C. W. Mathers
Jacob Metzger
Harry J. Meyers
G. B. Moores
B. F. McAtee
E. B. McGlone
W. J. McMurray
C. B. Nichols
S. Mazyck O'Brien
A. J. Oliver
William A. Perry
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
Richard Radcliffe
D. S. Richardson
John T. Roach
Joe Schneider
E. D. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Thomas Spurrier
Ed. D. Stone
R. C. Tartar
J. H. Thompson
Robt. R. Treadway
J. W. Wall
John S. Webb
W. M. Webb
Frank M. White
J. D. Wills
M. O. Wilson
E. G. Young

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Mr. Meyers moved that the vote by which said bill passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration a resolution of the following title, viz.:

S. Res. 25. Resolution creating a State Tax Commission and fixing its duties.

Said resolution reads as follows, viz.:

Resolution creating a State Tax Commission and fixing its duties.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created a commission to be known as the Kentucky Tax Commission, which shall be composed of seven members to be appointed by the Governor, four from the members of the present House of Representatives of the General Assembly and three from the members of the present Senate of the General Assembly, all of whom shall serve without compensation.

All of the members of said commission shall be persons familiar with revenue and taxation, and the laws relating thereto. Said commission shall meet within ten days after the adjournment of the present session of the General Assembly and organize by electing one of its members chairman and one of its members secretary.

The duties of said commission shall be to investigate the taxation methods of this and other States and to prepare a new law on revenue and taxation in conformity with the

Constitution of this Commonwealth. Said commission may hold open sessions in different parts of the State, if deemed necessary, and grant hearings to taxpayers as may be demanded. Said commission shall have and is given authority to examine the records of all State, county, city and town officials for the purpose of securing information respecting the revenue and expense of such taxing authorities, and may require county, city and town assessors to supply information concerning the assessment of property and levying of taxes in their respective localities; also rates, dates and such other information affecting taxation, as may be necessary in framing a new revenue and taxation law.

The necessary expenses of said commission, or its members, in the actual performance of their duties as herein provided for shall be paid by the Commonwealth on the filing of sworn statements of same with the Governor who is authorized to order their payment by the State Auditor when approved by the Governor.

Said commission shall make a written or printed report of its work, as well as a proposed new law on revenue and taxation, with comprehensive reasons for changing from the present law, and the probable income based on facts and figures to be clearly set forth in its report. When the commission shall have performed its duties and delivered its report to the Governor not later than October 15, 1916, or as soon thereafter as possible, the Governor shall decide as to the time the proposed new revenue and taxation law shall be submitted to the General Assembly at a special session to be called for the consideration of this measure only, or at the next ensuing regular session.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey
C. H. Bays
G. G. Brashear
Frank J. Brown
E. Bullock
Henry A. Cannon
Glover H. Cary
R. A. Cook
S. B. Coleman
W. P. Cropper
R. T. Crowe
James S. Cruse
H. C. Cummins
S. C. Dobbs
Jas. R. Dorman
Thomas A. Dover
W. E. Dowling
William Duffy
J. R. Durham
J. M. Elliston
L. L. Embrey
T. T. Gardner
Wm. Gearheart
W. G. Gooch
C. H. Grimes
J. S. Hall
W. C. G. Hobbs
A. B. Holland
J. M. Howell
R.B.Hutchcraft,Jr.
R. B. Jackson
T. R. Jones
W. H. Jones
H. Clay Kauffman
Wm. J. Kuh
W. T. Lasley
M. E. Lee
Dr. J. E. Lilly
Dr. C. W. Mathers
Jacob Metzger
Harry J. Meyers
Claude D. Minor
S. Montgomery
G. B. Moores
John T. Murphy
B. F. McAtee
E. B. McGlone
L. T. Neat
C. B. Nichols
S. Mazyck O'Brien
A. J. Oliver
William A. Perry
Geo. L. Pickett
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Richard Radcliffe
D. S. Richardson
John T. Roach
Lewis Ryans
L. M. Smith
E. D. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Ed. D. Stone
R. C. Tartar
Robt. R. Treadway
F. C. Trivette
D. B. Tyra
J. Wood Vance
J. W. Wall
John S. Webb
W. M. Webb
Frank M. White
J. D. Wills
M. O. Wilson
Louis E. Yewell
E. G. Young

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Those who voted in the negative were—

A. S. Cooper
David J. Howard
W. J. McMurray
Thomas Spurrier

—4

And so said resolution was concurred in.

Mr. Meyers moved that the vote by which said resolu-

tion was concurred in be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration a bill of the following title, viz.:

S. B. 139. An act for the prevention of pools, trusts, conspiracies and combinations in restraint of trade, and to define same and to prescribe penalties and provide methods for the infliction thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A trust or monopoly as used in this act, unless a contrary intention appears, is an association or combination of any number of persons established or organized prior, or subsequent, to the passage of this act, and either in the State of Kentucky or elsewhere, and whether incorporated or unincorporated, having as its object, or as one of its objects, that of fixing, influencing or regulating the supply, demand or price of any goods, product or commodity in the State of Kentucky, or elsewhere; or that of creating or maintaining a monopoly in Kentucky, or elsewhere, whether complete or partial, in the supply or demand of any goods, product or commodity.

§ 2. The word "person" or "persons," as used in this act, shall include natural persons, partnerships, associations of persons and corporations created, or organized, by, or under the laws of this State, or under the laws of any other State or country.

§ 3. Any person who shall create, enter into, become a member of, or participate in, any pool, trust, agreement, combination, confederation or understanding with any person or persons, in restraint of trade or competition in the importation, transportation, manufacture, purchase or sale of any goods, product or commodity in this State, shall be deemed guilty of a conspiracy in restraint of trade.

§ 4. Any person who shall create, enter into, become a member of, or participate in, any pool, trust, agreement, combination, confederation or understanding with any other person or person to regulate, control or fix the price of any article of manufacture, mechanism, or part thereof, merchandise or commodity, or to maintain such price when so regulated or fixed, or shall enter into, become a member of, or participate in, any pool, trust, agreement, contract, combination, confederation or understanding to fix or limit the amount of any article of manufacture, mechanism, or part thereof, merchandise, commodity, shall be deemed guilty of a conspiracy in restraint of trade.

§ 5. Any two or more persons engaged in buying or selling any article of commerce, manufacture, mechanism, or part thereof or other commodity, or who shall create, enter into, become a member of, or participate in, any pool, trust, agreement, combination, confederacy, association or understanding to control or limit the trade in any such article or thing, or to limit competition in such trade by refusing to buy from, or sell to, any other person any such article or thing aforesaid, for the reason that such other person is not a member of, or a party to, such pool, trust, combination, confederacy, association or understanding, or who shall boycott, or threaten, any person for buying or selling any such article or thing to any other person who is not a member of, or a party to, such pool, trust, agreement, com-

bination, confederacy, association or understanding, shall be deemed guilty of a conspiracy in restraint of trade.

§ 6. All arrangements, understandings, agreements, contracts, combinations or promises made, or entered into, between any two or more persons, designed, or made, with a view to lessen, or which tend to lessen, lawful trade, or full and free competition in the importation, transportation, manufacture or sale in this State of any goods, product, commodity or article; and all arrangements, contracts, agreements, combinations, promises, or understandings made, or entered into, between any two or more persons, which are designed, or made, with a view to increase, or which tend to increase, the market price of any product, commodity, goods, or article, are hereby declared to be against public policy, unlawful and void, and any person or persons creating, entering into, becoming a member of, or party to, any such arrangements, contracts, promises, agreements, combinations or understandings, shall be deemed guilty of a conspiracy in restraint of trade.

§ 7. Any corporation created, or organized, by, or under, the laws of this State, which shall be guilty of any violation of the provisions of this act, shall, upon proper proof being made thereof in any court of competent jurisdiction in this State, be declared by the court to have forfeited its corporate rights and franchises, and the same shall be, by the court, declared forfeited, void and of non-effect, and its right to transact business in this State shall thereupon cease and determine, and such court shall, by such judgment and decree, also declare all, or any part, of the property of such corporation forfeited unto the State: Provided, however, that the courts may in lieu of the forfeiture of its corporate rights and franchises, or in lieu of the forfeiture of all, or any part of the property of such corporation, assess against it a fine in any sum not to exceed $10,000,

and should a corporation continue to violate the law after having been adjudged guilty such continuance shall constitute a separate offense; and any corporation created, or organized, by, or under, the laws of any other State, or country, which shall violate any of the provisions of this article, shall, upon proper proof being made thereof in any court of competent jurisdiction of this State, be declared by the court to have forfeited its right and privilege thereafter to do any business in this State, and the same shall, by the court, be declared forfeited and of non-effect, and it shall thereupon cease to do business in this State, and such court shall, by judgment and decree, declare all, or any part, of the property in this State of such corporation forfeited to the State: Provided, however, that the court may in lieu of the forfeiture of the right and privilege of such corporation to do business in this State, or in lieu of the forfeiture of all, or any part of the property of such corporation assess against it a fine in any sum not to exceed $10,000, and should such corporation continue to violate the law after having been convicted such continuance shall be deemed a separate offense; and in all proceedings for the violation of any of the provisions of this article against any corporation created or organized under the laws of this, or any other State or country, proof of the acts of any person who has been acting as agent of such corporation in transacting its business in this State in the name, behalf or interest of such corporation shall be received as prima facie proof of the acts of the corporation itself. It shall be the duty of the clerk of the court in which judgment of forfeiture shall be rendered as herein provided for, to certify the decree thereof to the Secretary of State, and, if it be an insurance company, also to the Insurance Commissioner, who shall take notice and be governed thereby as to the corporate powers and rights of said corporation, and in case any court shall render a decree forfeiting all, or any part of the property of any corporation violating the provisions of this article, such court shall ap-

point a receiver therefor to dispose of the same in such manner as the court may direct, and the net proceeds arising from the sale thereof shall be paid into the State treasury in the manner that fines are now so paid.

§ 8. Any person injured in his business, or property, by any other person or persons by reason of any acts forbidden, or declared to be unlawful by the provisions of this act, may institute suit therefor in any circuit court in this State in which the defendant or defendants, or any of them, reside, or have any officer, agent or representative, or in which any such defendant or any agent, officer or representative may be found, without regard to the amount in controversy, and may recover threefold the damages by him sustained.

§ 9. It shall be unlawful for any corporation to issue, or to own, trust certificates, or for any corporation agent, officer or employe, or the directors, or stockholders of any corporation, to enter into any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholder or director thereof, for the purpose of placing the management or control of such corporation, or of any article manufactured, produced or dealt in by such corporation, in the hands of any trustee or trustees, with the intention to limit, or fix the price, or lessen the production or sale of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of any such article or product, and no corporation nor officer or stockholder of any corporation, shall own or vote any stock of any other corporation engaged in the manufacture, purchase or sale of any article of commerce coming in competition with any article of commerce manufactured, bought or sold by such other corporation.

§ 10. When the corporate rights or privileges of any corporation organized under the laws of this State, shall

have been declared forfeited by the judgment of a court as herein provided, and when the rights and privileges of any corporation organized under the laws of any other State, or country to do business in this State, have been declared forfeited by the judgment of a court as herein provided, it shall thereafter be unlawful for any person, corporation or association of persons to deal in, or offer for sale in this State, any article of manufacture, mechanism or part thereof, or merchandise, commodity, made, produced, manufactured or dealt in, by any corporation whose rights, franchises or privileges have been so forfeited; and the foregoing provisions of this section are hereby made applicable in all respects to the successors, or assigns, of any corporation whose rights, franchises or privileges have been so forfeited.

§ 11. In any suit that is now pending, or which may hereafter be brought, in which it is charged that any person, corporation, partnership or association of persons has created, entered into, become a member of, or participated in, any pool, trust, agreement, combination, confederation, promise or understanding in restraint of trade or competition, with any other person, corporation, partnership or association of persons, it shall not be necessary to allege or plead the manner in which, or when, or where, such pool, trust, agreement, combination, confederation or understanding was made or effected.

§ 12. All courts of competent jurisdiction shall have the right and are hereby authorized and empowered to compel the production of all books, correspondence, or other papers, showing, or tending to show any violation of this act, or containing evidence material to the matter under investigation, and such courts are hereby empowered to punish for contempt any officer, agent, employe, custodian or person in the possession of such books, correspondence or papers; but no person shall be subject to prosecution, or to any action for a penalty, or a forfeiture on account of any transaction,

matter or thing concerning which he may testify or produce books or papers.

§ 13. Any person, firm, company, association or corporation, foreign or domestic, doing business in the State of Kentucky, and engaged in the production, manufacture or distribution of any commodity in general use, that shall, intentionally, for the purpose of destroying the business of a competitor in any locality, discriminate between different sections, communities or cities of this State, by selling such commodity at a lower rate in one section, community, or city than is charged for said commodity by said party in another section, community or city, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of production, if a raw product, or from the point of manufacture, if a manufactured product, shall be deemed guilty of unfair discrimination which is hereby prohibited and declared unlawful.

§ 14. If complaint shall be made to the Attorney General of the State that any corporation, company or association authoriezd to do business in this State, is guilty of unfair discrimination as defined in the preceding section, it shall be the duty of the Attorney General, if the facts justify in his judgment, to institute proceedings against such corporation to have its right or privilege to do business in this State forfeited.

§ 15. Any person violating any of the provisions in this act, or who shall do any act prohibited, or declared unlawful herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed $5,000, except where a different penalty is provided in this act, or the penalty herein prescribed may be recovered by penal action instituted in the name of the Commonwealth of Kentucky in any court having jurisdiction under the provisions of this act.

§ 16. Any prosecution, or penal action provided for in this act, or under the laws of this State for offenses mentioned in this act, may be instituted in the Franklin Circuit Court, and jurisdiction to try all such prosecutions, or actions, is hereby vested in the Franklin Circuit Court, and it is hereby made the duty of the Attorney General to institute such prosecutions, or penal actions, in said court and prosecute same for the Commonwealth of Kentucky, but the jurisdiction thus placed in the Franklin Circuit Court shall not be exclusive, and any such prosecution, or action, may be instituted in any circuit court in this State where the offense or violation of this act may have been committed, and if such prosecution is instituted in any circuit court other than the Franklin Circuit Court, it shall be the duty of the Commonwealth's attorney to prosecute such offenses in the same manner that he is now required to prosecute other offenses for the violation of the laws of this State.

§ 17. The several circuit courts of this State are hereby invested with the jurisdiction to prevent and restrain any person or persons, corporation, partnership or association of individuals, from entering into any combination, pool, agreement, in the form of trusts, confederation, conspiracy, promise or understanding, declared illegal by this act, or any other law in this State relative to pools, trusts, conspiracies, and unlawful combinations, and it shall be the duty of the Attorney General, and of the Commonwealth's attorneys to institute proceedings in equity to prevent and restrain all violations of this act, and of any other law concerning pools, trusts, conspiracies, and unlawful combinations, and the Franklin Circuit Court is hereby invested with the jurisdiction to hear and determine any injunction proceeding that may be instituted pursuant to the provision of this section, and such injunction proceeding shall be governed by the provisions of the Civil Code of Practice, and the court may, at any time, make such temporary restraining order as may be deemed just in the premises.

§ 18. It is hereby made the duty of the Attorney General to investigate violations of this act, and to bring to the attention of the Commonwealth's attorneys throughout the State any violation of this act, and it is further made the duty of the Attorney General, when he deems it of sufficient importance to institute suit in behalf of the Commonwealth in the Franklin Circuit Court, or to institute prosecutions to prevent the violation of the provisions of this act.

§ 19. The passage of this act shall not have the effect to release or extinguish any penalty, forfeiture or liability incurred by any corporation on account of the violation of any law of this State prior to the taking effect of this act.

The provisions of this act shall not apply to any organization or association having no capital stock or not engaged in the business of mining, manufacturing or transporting any article or commodity.

§ 21. Any officer, stockholder or other person interested in any corporation, association, or company mentioned in this act who shall aid or assist in the violation of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed $10,000 or imprisoned not exceeding one year, or both so fined and imprisoned.

Mr. Kauffman offered the following amendment to said bill, viz.:

Amend Senate Bill 139 by adding at the end of section 7 the following, viz.:

"No prosecution or penal action shall be brought against any corporation or its agents for any violation of the terms of this act committed prior to a final judgment in favor of the Commonwealth in a proceeding taken under this section."

Said amendment was agreed to.

Mr. Kauffman offered the following amendment to said bill, viz.:

Amend Senate Bill 139 by striking out the words "Insurance Company" wherever same appear in said bill.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	J. R. Durham	W. H. Jones
C. H. Bays	J. M. Elliston	H. Clay Kauffman
Chas. D. Bratcher	L. L. Embrey	Wm. J. Kuh
G. G. Brashear	T. T. Gardner	W. T. Lasley
Frank J. Brown	Wm. Gearheart	M. E. Lee
Henry A. Cannon	W. G. Gooch	Dr. J. E. Lilly
Glover H. Cary	Frank C. Greene	W. R. Lyon
R. A. Cook	C. H. Grimes	Dr. C. W. Mathers
A. S. Cooper	J. S. Hall	Jacob Metzger
W. P. Cropper	W. B. Harvey	Harry J. Meyers
R. T. Crowe	W. C. G. Hobbs	Claude D. Minor
James S. Cruse	A. B. Holland	G. B. Moores
H. C. Cummins	David J. Howard	B. F. McAtee
S. C. Dobbs	J. M. Howell	E. B. McGlone
Jas. R. Dorman	R.B.Hutchcraft,Jr.	W. J. McMurray
Thomas A. Dover	R. B. Jackson	L. T. Neat
W. E. Dowling	T. R. Jones	C. B. Nichols

S. Mazyck O'Brien	Lewis Ryans	F. C. Trivette
A. J. Oliver	Joe Schneider	J. Wood Vance
William A. Perry	L. M. Smith	J. W. Wall
Geo. L. Pickett	Claude B. Smith	John S. Webb
A. B. Pieratt	John W. Snider	W. M. Webb
W. A. Price	Adam Spahn	Frank M. White
J. D. Pumphrey	Ed. D. Stone	J. D. Wills
Richard Radcliffe	R. C. Tartar	M. O. Wilson
D. S. Richardson	J. H. Thompson	E. G. Young
John T. Roach	Robt. R. Treadway	—80

Resolved, that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took for consideration from the calendar bills of the following titles, viz.:

S. B. 247. An act to amend section 93 of the Civil Code of Practice.

S. B. 109. An act to amend and re-enact subsections 2, 4, 5, 8 and 10 of section 3727a, Kentucky Statutes, 1915 edition.

S. B. 354. An act to regulate the printing of reports in the Department of Agriculture, Labor and Statistics.

S. B. 9. An act to amend section 69 of an act entitled "An act for the government of cities of the first class," approved July 1, 1893, relating to public improvements.

S. B. 346. An act providing for the formation and carrying on of co-operative associations and providing for the rights, liabilities and duties of the same, and making it

unlawful for anyone to use the title "Co-operative" as part of its or his or their business name or title unless such person or corporation or company has complied with the provisions of this act.

S. B. 83. An act to amend "An act to amend section 612a of the Kentucky Statutes relative to banks and trust companies, and to re-enact the same as amended," approved March the 24th, 1906, and being section 612a, Kentucky Statutes, Carroll's edition.

S. B. 273. An act authorizing the Commissioner of the Sinking Fund of Kentucky to sell and convey to the Frankfort Water Company, of Frankfort, Kentucky, two small parcels of land in Franklin county, Kentucky, lying below the brow of the hill on the west side of the Frankfort and Lawrenceburg turnpike road, on each side of and adjoining the pumping station property of said company near the city of Frankfort, and to fix the price to be paid therefor and the time of making, and the terms upon which said sale shall be made.

S. B. 206. An act to give the Commissioner of Agriculture, Labor and Statistics the power to properly police the Kentucky State Fair grounds.

S. B. 259. An act to amend section 552 of the Kentucky Statutes, being section 13 of an act entitled "An act providing for the creation and regulation of private corporations," which became a law April 5th, 1893.

S. B. 311. An act to amend section 2156 of the Kentucky Statutes, under chapter 67, entitled "Idiots and Lunatics."

S. B. 279. An act to amend an act entitled "An act

concerning tuberculosis and creating a tuberculosis commission."

S. B. 327. An act relating to drainage.

S. B. 277. An act to regulate the sale, furnishing, and use of wood alcohol or wood naptha; providing for its labeling, and providing penalties for violation thereof.

S. B. 300. An act to permit P. F. Edwards to sue the State of Kentucky.

S. B. 310. An act creating and relating to the office of county road engineer in counties containing more than 200,000 population, and providing for his term of office, qualifications, assistants and compensation and repealing all laws in conflict herewith.

S. B. 251. An act to amend section 496 of Kentucky Statutes (Carroll's edition); providing for the recording of deeds and mortgages and re-enacting same.

S. B. 117. An act to amend and re-enact section 1243 of Kentucky Statutes relating to offense of petit larceny.

S. B. 189. An act to amend and re-enact section 14 of chapter 469 of the Acts of 1882, the same being an act entitled "An act to provide for the reorganization, maintenance and supervision of common schools in the town of Catlettsburg and vicinity," approved March 18th, 1882, by striking from section fourteen (14) of said act the words "to issue bonds and assume indebtedness to the extent permitted and in the manner provided by sections one hundred and fifty-seven (157) and one hundred and fifty-eight (158) of the present Constitution of this State."

S. B. 11. An act to regulate the holding of the terms of the circuit court in the Thirty-fourth Judicial District.

S. B. 181. An act appropriating money for the repairs for the colored wards for the Eastern State Hospital at Lexington, Ky.

S. B. 193. An act regulating trapping and for the protection of fur-bearing animals, and providing penalties for violations of act.

S. B. 318. An act to amend an act entitled "An act to amend an act entitled 'An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrants shall be paid,' approved May 8, 1897, by repealing said act and enacting a substitute therefor," which was neither approved nor disapproved by the Governor, being chapter 72 of the Acts of 1910, and to amend an act entitled "An act to amend section 3 of chapter 72 of the Acts of 1910," approved by the Governor on March 17, 1914, being chapter 27 of the Acts of 1914, by repealing both of said acts and enacting a substitute therefor.

S. B. 61. An act to amend section 3710, Kentucky Statutes, Carroll's edition, 1915, relating to judicial department of towns of the sixth class.

S. B. 100. An act to provide for the construction and reconstruction and maintenance of through main routes of travel.

S. B. 183. An act to amend sections 8, 21 and 23 of chapter 80, Acts 1914, concerning public roads.

S. B. 293. An act to amend and re-enact chapter 31 of the published Acts of 1910, which is "An act providing

and appropriating money for a contingent fund for the use of the Governor of this Commonwealth," and which was approved by the Governor March 19, 1910.

S. B. 255. An act to promote temperance in the State.

S. B. 240. An act to require corporations, etc., to redeem script in lawful money.

S. B. 229. An act to amend section 4471, chapter 113, article X., Kentucky Statutes, Carroll's edition, 1915, by adding the following words:

"Provided, that if said remaining members of the board cannot elect another member or a tie vote between said members should occur, then, in either event, it shall be the duty of the county judge to cast the deciding vote."

S. B. 211. An act to prohibit the running at large of any male stock of certain species.

S. B. 180. An act appropriating money to erect a congregate dining room and new kitchen and construct a sewage disposal plant at Central State Hospital, Lakeland, Kentucky.

S. B. 294. An act to repeal and re-enact sections 556, 769, 770 and 771, Kentucky Statutes, edition 1915, relating to corporations.

S. B. 323. An act to prevent any person who obtains a divorce from the bonds of matrimony in this State from marrying within one year after such divorce is granted.

S. B. 337. An act to convey to Hart county the interest of the State of Kentucky in the Rio Bridge Company, a corporation.

S. B. 343. An act for the benefit of West Kentucky Industrial College.

S. B. 364. An act to amend subsection 12, section 3290, chapter 89 of the Kentucky Statutes, relating to the government of third class cities.

S. B. 283. An act to require all conveyances of real property to state therein, the true consideration, and providing a penalty for a violation of this act.

S. B. 128. An act requiring the county superintendents of each county to publish in a county paper published in the county the settlements made with the county judges, as provided by section 4409, Kentucky Statutes (Carroll's edition), which publication must contain a statement of all moneys received from every source, for what paid, to whom paid and what amounts remain in their hands.

S. B. 299. An act concerning loan and investment companies in cities of the first and second classes; defining same; providing for the incorporation, powers, supervision and control of such companies.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were read the second time by their titles, and ordered to be placed in the orders of the day.

Mr. Meyers indicated the hour of adjournment.

And then the House adjourned.

AFTERNOON SESSION.

At 2 o'clock the House reconvened.

Mr. Meyers, of the Committee on Rules, called up for consideration a resolution of the following title, viz.:

S. Res. 16. Resolution endorsing Woodrow Wilson's administration.

Said resolution reads as follows, viz.:

Whereas, from the birth of this nation to the present time the Democratic party has a record unparalleled in the world's political history; no defeat has ever destroyed its fidelity to truth; no disaster has ever impaired its testimony for right; no opposition has ever stayed its conflict for freedom, and no storm, however fierce or overwhelming, has ever lessened its zeal and devotion to the welfare of uplifting of mankind.

And whereas, His Excellency, Woodrow Wilson, the greatest President since Thomas Jefferson, has maintained under most trying circumstances and conditions, the honor, integrity and neutrality of the United States of America, has thereby brought to his administration the confidence and approval of his fellow countrymen and to the American Republic high regard and due respect from all the nations of the world.

Therefore, be it resolved by the Senate of Kentucky, the House of Representatives concurring, that we do most earnestly endorse the present National Administration and that we do firmly believe that the doctrine of preparedness as laid down by Woodrow Wilson and his cabinet, is Democratic and American in spirit and in purpose and will uphold, con-

serve, maintain and defend the integrity, the peace, the safety, and the honor of the United States of America.

Mr. Meyers moved the adoption of said resolution.

The yeas and nays being called for by Messrs. Oliver and Stone on the adoption of said resolution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	A. B. Holland	William A. Perry
H. F. S. Bailey	David J. Howard	Geo. L. Pickett
Geo. B. Barrett	J. M. Howell	A. B. Pieratt
Frank J. Brown	Chas. L. Hunter	W. A. Price
Glover H. Cary	R.B.Hutchcraft,Jr.	J. D. Pumphrey
S. B. Coleman	J. M. Johnson	Richard Radcliffe
W. P. Cropper	T. R. Jones	D. S. Richardson
R. T. Crowe	H. Clay Kauffman	John T. Roach
H. C. Cummins	Wm. J. Kuh	Joe Schneider
S. C. Dobbs	W. T. Lasley	L. M. Smith
Jas. R. Dorman	M. E. Lee	E. D. Smith
W. E. Dowling	Dr. J. E. Lilly	Claude B. Smith
William Duffy	Dr. C. W. Mathers	John W. Snider
Odie Duncan	Harry J. Meyers	Adam Spahn
J. R. Durham	Claude D. Minor	D. B. Tyra
J. M. Elliston	S. Montgomery	J. Wood Vance
T. T. Gardner	John T. Murphy	John S. Webb
W. G. Gooch	B. F. McAtee	J. D. Wills
Frank C. Greene	W. J. McMurray	Louis E. Yewell
W. B. Harvey	C. B. Nichols	E. G. Young
W. C. G. Hobbs	S. Mazyck O'Brien	--62

Those who voted in the negative were—

C. H. Bays	E. Bullock	James S. Cruse
Chas. D. Bratcher	Henry A. Cannon	Thomas A. Dover
G. G. Brashear	R. A. Cook	L. L. Embrey
W. H. Brown	A. S. Cooper	Wm. Gearheart

C. H. Grimes	L. T. Neat	Robt. R. Treadway
J. S. Hall	A. J. Oliver	F. C. Trivette
R. B. Jackson	Harry P. Purnell	J. W. Wall
W. H. Jones	Lewis Ryans	W. M. Webb
W. R. Lyon	Thomas Spurrier	Frank M. White
Jacob Metzger	Ed. D. Stone	M. O. Wilson
G. B. Moores	R. C. Tartar	
E. B. McGlone	J. H. Thompson	—34

And so said resolution was adopted.

Mr. Meyers moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Crowe moved that Senate Bill 74 be taken from the orders of the day and placed upon its passage.

Said motion was ruled out of order.

Mr. Meyers, of the Committee on Rules, called up for consideration a resolution of the following title, viz.:

H. Res. 20. A joint resolution authorizing the Enrolling Clerk of the House to employ one or more to assist in enrolling bills in the closing days of the session, and making an appropriation therefor.

(For said resolution see House Journal of March 6th.)

Mr. Hobbs offered the following amendment to said resolution as follows, viz.:

Amend House Resolution 20 as follows:

Strike out the word "she" in line 5 thereof, and insert

in lieu thereof the word "they;" amend section 1 thereof by inserting in the second line thereof, after the word "House," "Miss Jennie McDonald, Enrolling Clerk of the Senate," and strike out the word "is" in said line and insert in lieu thereof the word "a;" strike out the word "her" in the third line of the first section and insert the word "their" in lieu thereof; strike out the following in lines 4 and 5 of section 1, "And the sum of $75.00 is hereby appropriated out of the contingent fund of the House," and insert in lieu thereof the following: "The sum of $75.00 is hereby appropriated to each, viz.: Mrs. Emma Guy Cromwell and Miss Jennie McDonald, out of the contingent fund of the House and Senate to enable them to pay for such services, and the Auditor is authorized to draw his warrant in their favor for said sum," so that said section when amended, will read as follows:

§ 1. Mrs. Emma Guy Cromwell, Enrolling Clerk of the House, and Miss Jennie McDonald, Enrolling Clerk of the Senate are hereby authorized to employ one or more persons to help during closing days of the session in the enrollment of bills, and the sum of $75.00 is hereby appropriated to each of them out of the contingent fund of the House and Senate to enable them to pay for such services and the Auditor is authorized to draw his warrant in favor of Mrs. Emma Guy Cromwell, Enrolling Clerk of the House, for $75.00 and also is authorized to draw his warrant in favor of Miss Jennie McDonald, Enrolling Clerk of the Senate, for $75.00.

Said amendment was agreed to.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Chas. L. Hunter	J. D. Pumphrey
H. F. S. Bailey	R.B.Hutchcraft,Jr.	D. S. Richardson
C. H. Bays	T. R. Jones	John T. Roach
Frank J. Brown	Wm. J. Kuh	Lewis Ryans
Glover H. Cary	Dr. J. E. Lilly	Joe Schneider
A. S. Cooper	Dr. C. W. Mathers	L. M. Smith
S. B. Coleman	Jacob Metzger	E. D. Smith
W. P. Cropper	Harry J. Meyers	Claude B. Smith
R. T. Crowe	Claude D. Minor	John W. Snider
S. C. Dobbs	S. Montgomery	Adam Spahn
Jas. R. Dorman	John T. Murphy	R. C. Tartar
W. E. Dowling	B. F. McAtee	J. Wood Vance
William Duffy	E. B. McGlone	John S. Webb
J. M. Elliston	W. J. McMurray	W. M. Webb
W. G. Gooch	C. B. Nichols	Frank M. White
W. B. Harvey	S. Mazyck O'Brien	Louis E. Yewell
W. C. G. Hobbs	William A. Perry	E. G. Young
A. B. Holland	Geo. L. Pickett	
J. M. Howell	W. A. Price	—55

Those who voted in the negative were—

Chas. D. Bratcher	J. S. Hall	Ed. D. Stone
G. G. Brashear	R. B. Jackson	Robt. R. Treadway
E. Bullock	J. M. Johnson	F. C. Trivette
R. A. Cook	W. H. Jones	J. W. Wall
James S. Cruse	W. R. Lyon	J. D. Wills
H. C. Cummins	G. B. Moores	M. O. Wilson
Wm. Gearheart	A. B. Pieratt	
C. H. Grimes	Thomas Spurrier	—22

And so said resolution was adopted.

Mr. Hobbs offered the following amendment to the title of said resolution as follows, viz.:

Amend title to House Resolution 20 as follows:

"A joint resolution appropriating seventy-five dollars to Emma Guy Cromwell, Enrolling Clerk of the House, and appropriating seventy-five dollars to Jennie McDonald, Enrolling Clerk of the Senate, for extra help during the closing days of this session of the General Assembly."

Said amendment was agreed to.

Mr. Duncan moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill of the following title, viz.:

S. B. 345. An act relating to agricultural extension work and home economics; accepting the provisions of the Act of Congress providing for co-operative agricultural extension work between agricultural colleges, which act was approved May 8, 1914; providing that such work shall be done under the directions of the Kentucky University, Lexington, Kentucky; changing the name of said University to University of Kentucky; amending and re-enacting section 1 of chapter 3, Acts of 1908; amending and re-enacting section 15, Kentucky Statutes, 1903; providing for the appointment of trustees of the University of Kentucky; creating an extension committee to have charge of extension work under the supervision of the University of Kentucky; providing for the election of an executive committee for the University of Kentucky; amending and re-enacting section 13 of the Act of March 21, 1906, creating the State Board of Agriculture, Forestry and Immigration; repealing section 2 of an act for the benefit of the Department of Agriculture, Labor and Statistics, approved March 11, 1912; appropriating money for the University of Kentucky; providing for the establish-

ment of a marketing bureau; authorizing the fiscal courts of the counties and the boards of education of counties to appropriate money for extension work, and amending and reenacting section 5 of an act for the benefit of the Department of Agriculture, approved March 21, 1906.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of chapter 3 of the Acts of 1908, which was approved by the Governor on March 16, 1908, be amended and re-enacted so as to read as follows:

That the institution founded under the Land Grant of 1862 by the Congress of the United States and known formerly under the corporate designation and title of "Agricultural and Mechanical College of Kentucky," and afterwards known and designated as "The State University, Lexington, Kentucky," be hereafter known and designated as "University of Kentucky."

§ 2. That section 15 of the Kentucky Statutes, Carroll's edition, 1903, which is subsection 15, subsections 1, 2 and 3 of section 4636c of the Kentucky Statutes, edition 1915, be amended and re-enacted so as to read as follows:

That the government, administration and control of the University of Kentucky be and is hereby vested in a board of trustees constituted and appointed as follows:

1. His Excellency the Governor of Kentucky, who shall be ex officio chairman thereof.

2. The Superintendent of Public Instruction, who shall be an ex officio member of said board.

3. The Commissioner of Agriculture, Labor and Statistics, who shall be an ex officio member of said board.

4. The President of the University of Kentucky, who shall be an ex officio member of said board.

5. Fifteen men, discreet, intelligent and prudent, who shall be nominated by the Governor of Kentucky by and with the advice and consent of the Senate. They shall hold office for six years; five retiring and five being appointed at each regular session of the General Assembly. Said nomination shall be made within fifteen days after the Legislature convenes. Said trustees shall be appointed and distributed as follows, namely: One from each Congressional District outside of the Congressional District in which Lexington is situated, and the remainder from the latter district; but no more than three trustees shall be appointed from the county of Fayette; provided, that no trustee now serving under an appointment previously made shall be displaced by the operation of this act before his term of service shall have expired.

6. In all appointments made hereafter by the Governor of the Commonwealth of Kentucky to the Board of Trustees of the University of Kentucky other than those elected by the alumni, one-fifth of such number shall be appointed from those who have attended the said university as students for at least two years.

7. The seven members of the State Board of Agriculture, who shall be ex officio members of said board.

8. No member of the Board of Trustees of the University of Kentucky shall be held to be a public officer by reason of his membership on said board.

9. That chapter 67 of the Acts of 1914, approved March

20, 1914, be and the same is hereby amended and re-enacted so as to read as follows:

§ 1. Six members who shall be alumni of the university. The said six members of the board of trustees of the university referred to in this subsection shall be nominated and elected by ballot by the graduates of the university and by those who have received degrees therefrom in a method as hereinafter set forth. Provided that no graduate shall be permitted to vote during the year of graduation. The names of the persons who have received a plurality of the votes cast shall be certified to the Governor by way of recommendation for appointment, who shall appoint the persons so recommended as such additional members of the board of trustees of the university and shall have all the rights, powers and privileges that are now conferred by law.

§ 2. The nomination and election of such additional trustees held hereunder shall be held biennially, under rules and regulations prescribed by the board of trustees, and all nominating ballots and all election ballots shall be publicly opened on fixed and published days. At least sixty days shall intervene between the mailing and opening of both nominating and election ballots, and such ballots shall be mailed, by the secretary of the board of trustees, to each person entitled to vote, at his address as appears from the books of the university, and except in the year 1914, the date fixed for elections shall be the day before the regular commencement exercises at the university, and no ballot shall be counted unless it is actually cast by noon of said day. In case of an equality of votes between two or more candidates, the person who shall hold said office of trustee shall be designated by lot from among the persons receiving such equality of votes. The Governor of the Commonwealth, upon proper certification by the secretary of the board of trustees shall issue a commission in the name of the Commonwealth to such additional members of said board of trustees.

§ 3. On or before December first, in the year 1914, and in a manner as provided in section 2 of this act, such six additional members of the board of trustees shall be nominated and elected and the two receiving the highest number of votes shall hold office for six years, the two receiving the next highest number of votes shall hold office for four years, and the two receiving the next highest number of votes shall hold office for two years. Biennially thereafter the alumni of the University of Kentucky shall nominate and elect, by a plurality of votes, as provided in section 2 of this act, two members to serve for a period of six years; provided that whenever a vacancy occurs from death, resignation, or other cause, the board of trustees shall appoint a graduate, as provided in section 1 of this act, until the next regular election, when such vacancy shall be then filled by nomination and election for the unexpired term in the manner as provided in section 2 of this act.

§ 4. The board of trustees shall elect an executive committee which shall consist of seven members, any four of whom shall constitute a quorum.

§ 10. The Governor shall appoint at the meeting preceding the annual commencement each year from the board of trustees an extension committee of eight, and he shall by virtue of his office be a member of and chairman of such extension committee. Four members of the extension committee shall be members of one of the political parties who have a right to name a member of the State Board of Election Commissioners, and four shall be members of the other political party having such right. Four members of such extension committee shall be appointed from the members of the State Board of Agriculture and four from the other members of the board of trustees of the university. The extension committee shall be charged with the general administration of all extension funds of the university, and of their

expenditure. It shall at each regular meeting of the trustees, and at each call meeting, if required, submit to the board a complete record of its proceedings for the consideration and approval of the board of trustees; provided that the authority of the board of trustees to revise the acts of the extension committee shall not extend to the rejection of any valid or authenticated account of money expended by the said extension committee.

§ 3. That section 13 of an act entitled "An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor," which was approved by the Governor on March 21, 1906, be amended and re-enacted so that it shall read as follows:

§ 13. For the purpose of carrying out the provisions of this act, and for the general purposes of said department, including the gathering of statistics, the sum of seventeen thousand dollars per annum, in addition to the amount already appropriated for the benefit of the Bureau of Agriculture, Labor and Statistics, is hereby appropriated out of any money in the treasury not otherwise appropriated for the use of the said Bureau of Agriculture, Labor and Statistics. The clerk of the board shall certify to all expenditures of the board to the chairman, who, in turn, shall certify them to the Governor for his approval, and upon his approval he shall authorize the Auditor of Public Accounts to draw his warrant upon the Treasurer for the amount.

§ 4. That section 2 of an act entitled "An act for the benefit of the Department of Agriculture, Labor and Statistics, appropriating money thereto and enlarging the powers thereof," which was approved by the Governor on March 11, 1912, reading as follows, is hereby repealed:

§ 2. That the sum of ten thousand ($10,000) dollars

annually is hereby appropriated for the benefit of the Department of Agriculture, Labor and Statistics, five thousand ($5,000) dollars of which shall be used for the purpose of encouraging corn clubs, horticulture clubs, poultry clubs and other organizations among the common school children of the State of Kentucky and for promoting friendly contests among children attending the common schools of the State and for encouraging the study of agricultural subjects in the common schools, and five thousand ($5,000) dollars of which shall be used for the general purposes of said department, including statistics, farm demonstration work, the publication of bulletins and the dissemination of agricultural literature among the farmers and livestock growers of the State of Kentucky.

§ 5. There is hereby appropriated to the University of Kentucky for the present fiscal year, the sum of eighteen thousand dollars, and a like sum is hereby appropriated annually thereafter, which shall be used by the university for the purpose of agricultural extension and for the use of the college in teaching agriculture.

§ 6. The University of Kentucky shall establish in connection with its agricultural extension work a co-operative bureau for fostering marketing.

§ 7. The various fiscal courts and boards of education of the counties in this State are hereby authorized and empowered to appropriate such sums of money out of their annual funds as in their wisdom is necessary to aid in carrying on extension work in agriculture and home economics in their respective counties, and in connection with the University of Kentucky.

§ 8. The Commonwealth of Kentucky accepts and assents to the provisions of the act of Congress entitled "An

act to provide for a co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of an act of Congress, approved July 2, 1861, and of the acts supplementary thereto, and the United States Department of Agriculture, which was approved by the President of the United States, May 8, 1914," in all of its terms and conditions, and the University of Kentucky is authorized and empowered to receive the grants of money appropriated under its provisions.

§ 9. That subsection 5 of section 37-8, Kentucky Statutes, edition 1915, which is section 5 of the act of March 21, 1906, be and the same is hereby repealed, and in lieu thereof the following is enacted:

The Commissioner of Agriculture, Labor and Statistics shall annually designate some date at least thirty days before the meeting of the State Farmers' Institute, when the farmers of each county shall meet in a convention at the county seat for the purpose of selecting one or more delegates to attend said State institute, and which convention shall at the same time select one or more crop reporters from each magisterial district in the county to serve for one year without pay, whose duty shall be to report to the Commissioner of Agriculture, Labor and Statistics monthly the acreage and condition of crops and such other information as he, under the law, may ask for. In the event no convention of farmers is held on the date fixed, the said commissioner is authorized and empowered to appoint one or more delegates from such county to attend the said State institute, and to appoint one or more crop reporters in each magisterial district.

§ 10. Whereas, it is necessary that the provisions of the act of Congress herein referred to be accepted, and that the work in agricultural extension be begun at once, an

emergency is hereby declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Mr. Greene offered the following amendment to said bill, viz.:

Amend section 10 of Senate Bill 345 by striking out in line 91 the word "he" and inserting in lieu thereof the words "the Commissioner of Agriculture."

Said amendment was disagreed to.

Mr. White offered the following amendment to said bill as follows, viz.:

Amend Senate Bill 345 by striking out on page 7, section 5, line 2, the word "eighteen" and insert the word "thirteen."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	W. H. Brown	A. S. Cooper
Geo. B. Barrett	E. Bullock	S. B. Coleman
C. H. Bays	Henry A. Cannon	W. P. Cropper
Chas. D. Bratcher	Glover H. Cary	James S. Cruse
Frank J. Brown	R. A. Cook	H. C. Cummins

S. C. Dobbs
Jas. R. Dorman
Thomas A. Dover
William Duffy
Odie Duncan
J. R. Durham
J. M. Elliston
L. L. Embrey
Wm. Gearheart
W. G. Gooch
Frank C. Greene
C. H. Grimes
J. S. Hall
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
R.B.Hutchcraft,Jr.
R. B. Jackson
J. M. Johnson
T. R. Jones
W. H. Jones
Wm. J. Kuh
W. T. Lasley
M. E. Lee
Dr. J. E. Lilly
W. R. Lyon
Dr. C. W. Mathers
Jacob Metzger
Harry J. Meyers
Claude D. Minor
S. Montgomery
G. B. Moores
John T. Murphy
B. F. McAtee
E. B. McGlone
W. J. McMurray
C. B. Nichols
A. J. Oliver
William A. Perry
Geo. L. Pickett
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
Richard Radcliffe
D. S. Richardson
John T. Roach
Joe Schneider
L. M. Smith
E. D. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Thomas Spurrier
Ed. D. Stone
R. C. Tartar
Robt. R. Treadway
D. B. Tyra
J. Wood Vance
J. W. Wall
John S. Webb
W. M. Webb
Frank M. White
Louis E. Yewell
E. G. Young

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There voted in the negative—

J. D. Wills

—1

Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 302. An act to amend an act entitled "An act to

create a Board of Penitentiary Commissioners and regulate the Penal institutions of this Commonwealth," which became a law on the 5th of March, 1898; and to repeal chapter 50 of the acts of the General Assembly of 1912.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of the act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law March 5th, 1898, be amended and re-enacted, so that when so amended and re-enacted the same shall read as follows:

A Board of Penitentiary Commissioners is hereby created to govern the penitentiaries of this Commonwealth. Said board shall consist of three members, to be appointed by the Governor of this Commonwealth, by and with the advice and consent of the Senate. Each member of said board shall be appointed for a term of four years, and until his successor is appointed and has qualified. Before entering upon their duties as such commissioners, they shall each severally execute a bond to the Commonwealth of Kentucky in the penal sum of $25,000 for the faithful performance of their duties as such commissioners; the said bond shall be approved by the Governor, and filed with the Auditor of Public Accounts. Each of said commissioners shall receive as compensation for their service under this act the sum of $2,400 per annum, payable monthly out of the State Treasury, and their necessary traveling expenses from their legal residences, when in the discharge of their duties. No person shall be appointed to the office of Penitentiary Commissioner who has not been a citizen of the State of Kentucky continuously for the last five years previous to and up to the time

of appointment, and who is not 25 years of age, nor shall any one be appointed to said office who is a contractor in the penitentiary or the agent or employee or attorney of such contractor, or who is interested, either directly or indirectly, in any kind or branch of business of such penitentiary, or who shall at the time hold any other office under the laws of this State, or of the United States; and no such commissioner shall hold any other office or accept any appointment under this or any other law of this State during his continuance in office as such commissioner. No commissioner or employee of the Board of Penitentiary Commissioners shall accept any fee for any purpose from any corporation or person who has at the time or has had a contract with said commissioners or penitentiaries to do anything connected therewith. Vacancies in said board, occasioned by death, resignation, or otherwise, shall be filled by appointment by the Governor, and in case the Senate is not in session, until the next meeting of the Senate, when the Governor shall make the appointment by and with the advice and consent of the Senate, for the remainder of said term, if there be any remainder. The Governor may make removal of the members of said board for cause, to be stated in writing, subject to the approval of the Senate, when it convenes, and in case of any removal the Governor shall submit the facts to the Senate for its approval, and the Senate shall have the power to reinstate such person removed. Any commissioner who violates the provisions of this act shall ipso facto forfeit his office, and the same shall be declared vacant. The duties of said Board of Penitentiary Commissioners, appointed by the Governor under this act, shall be the same as now imposed by law upon the Board of Penitentiary Commissioners, and said duties are hereby imposed upon the Board of Penitentiary Commissioners to be appointed under this act, except in so far as the existing law may be changed by this act. The Board of Prison Commissioners shall make rules and regulations for the strictly non-partisan management of the institutions

under its control. No member of the Board of Penitentiary Commissioners, nor any officer or employee of any of the institutions under the board shall engage in political activity, nor shall they, in their official capacity, solicit or cause to be solicited or contributed money, or anything of value, of any person for election pruposes, nor shall they, or any of them, influence or attempt to influence legislation through the instrumentality of his official position; and any of said officers or employees guilty of the violation of this provision shall be removed from office or position by the Board of Penitentiary Commissioners, in case of an officer or employee of said board, and in case of a member of the board, by the Governor. Any person or persons wilfully violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than $50, nor more than $1,000.

It shall be the duty of the Board of Penitentiary Commissioners, on September 1, 1916, and every four years thereafter, to appoint a secretary of the board and also for each penitentiary a warden, deputy warden, two assistant deputy wardens, clerk, engineer, chaplain, physician and any other officers that may now be provided for by law, and the necessary guards, and each of said officers shall be entitled to the salary or per diem now and heretofore paid and authorized by law; but the Board of Penitentiary Commissioners shall have the authority to abolish an office and decline to fill same, if in the judgment of said board, the services of such office or officer are no longer required. The secretary of the board, wardens, deputy wardens, assistant deputy wardens, engineers, clerks, and other officers shall be appointed on the 1st day of September following the appointment of the Board of Penitentiary Commissioners, and the said officers shall hold office for a term of four years, unless removed by the commissioners for cause, upon charges preferred against them or any of them, in writing, for political activity, insub-

ordination, dereliction of duty, violation of the rules of management of said penitentiaries, cruelty to prisoners, or other misconduct in office, or for inefficiency. Said officers shall have reasonable notice of the charges preferred against them, and the place and time of hearing, and said hearing of said charges shall be public. Penitentiary guards shall be appointed by said board on the 1st day of September following the appointment of said Board of Prison Commissioners, and every four years thereafter, and said guards shall be appointed for a term of four years unless sooner removed for cause in the same manner and for the same reasons that the board may remove officers of the institutions. But the Penitentiary Commissioners shall have the right to remove any guard without preferring charges against him, when in the judgment of the board they may safely reduce the number of penitentiary guards at any institution. The Board of Penitentiary Commissioners shall have the authority, and shall have the authority to authorize the wardens of either penitentiary to suspend any penitentiary guard, pending the hearing of any charges preferred against him. In the event it becomes necessary, either on account of absence of guards regularly appointed under this act, or for the safe keeping of the prisoners in either penitentiary, or other emergency, the board shall be authorized to make temporary appointment if additional guards may be necessary, but such temporary employment of such guards shall not be for a longer period than five days at any one time, and the reasons for employing such emergency guards shall be certified in writing by the warden of the penitentiaries and by the Board of Penitentiary Commissioners, and entered upon the minutes of the meeting of said board. The penitentiary guards shall be paid at the rate of $75.00 per month for each day they are actually employed, but each of said guards shall be allowed a vacation of two weeks during the year, at such time and in such manner as the Board of Penitentiary Commissioners may determine, and for such vacation period, of two

weeks, no deduction shall be made from the compensation of penitentiary guards.

The Board of Penitentiary Commissioners shall meet at least once a month, at each of the institutions under its control, and shall hold such special meetings as the needs of the institutions require. The board may make such investigations as it may deem necessary for the performance of its duties, and to that end any member of the board shall have the same power as a justice of the peace, to administer oaths, to enforce the attendance of witnesses and the production of books, and papers, and it shall keep a record of such investigations, stating the time, place, charges and subject, and witnesses examined and its conclusions.

§ 2. That chapter 50 of the Acts of 1912, being an act entitled "An act to amend an act entitled 'An act to create a Board of Penitentiary Commissioners, and regulate the penal institutions of this Commonwealth,' " and passed on the 5th day of March, 1898, over the veto of the Governor of Kentucky, and same being the veto beginning on page 8 and running to and including page 26 of the printed Acts of the session of 1908 of the General Assembly of Kentucky, and to further regulate the management of the penal institutions of this Commonwealth, is hereby repealed.

Mr. Crowe offered the following amendment to said bill, viz.:

Amend section 1 of Senate Bill 302 by striking from line 50 the word "Penitentiary" before the word "Commissioners" and inserting in lieu thereof the word "Prison."

Amend same by striking from line 54 the word "Prison" before the word "Commissioners" and inserting in lieu thereof the word "Penitentiary."

Said amendment was agreed to.

Mr. Kauffman moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	William Duffy	H. Clay Kauffman
H. F. S. Bailey	Odie Duncan	Wm. J. Kuh
Geo. B. Barrett	J. R. Durham	W. T. Lasley
C. H. Bays	J. M. Elliston	M. E. Lee
Chas. D. Bratcher	L. L. Embrey	Dr. J. E. Lilly
Frank J. Brown	T. T. Gardner	Dr. C. W. Mathers
E. Bullock	W. G. Gooch	Jacob Metzger
Glover H. Cary	C. H. Grimes	Harry J. Meyers
R. A. Cook	J. S. Hall	Claude D. Minor
A. S. Cooper	W. B. Harvey	S. Montgomery
S. B. Coleman	W. C. G. Hobbs	G. B. Moores
W. P. Cropper	A. B. Holland	John T. Murphy
R. T. Crowe	David J. Howard	B. F. McAtee
H. C. Cummins	J. M. Howell	W. J. McMurray
S. C. Dobbs	Chas. L. Hunter	L. T. Neat
Jas. R. Dorman	R.B.Hutchcraft,Jr.	C. B. Nichols
Thomas A. Dover	J. M. Johnson	S. Mazyck O'Brien
W. E. Dowling	T. R. Jones	Geo. L. Pickett

A. B. Pieratt	L. M. Smith	J. Wood Vance
W. A. Price	E. D. Smith	J. W. Wall
J. D. Pumphrey	Claude B. Smith	John S. Webb
Harry P. Purnell	John W. Snider	W. M. Webb
Richard Radcliffe	Adam Spahn	J. D. Wills
D. S. Richardson	Ed. D. Stone	Louis E. Yewell
John T. Roach	R. C. Tartar	E. G. Young
Lewis Ryans	Robt. R. Treadway	
Joe Schneider	D. B. Tyra	—79

Those who voted in the negative were—

G. G. Brashear	Wm. Gearheart	M. O. Wilson
W. H. Brown	Thomas Spurrier	—5

Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill entitled:

S. B. 347. An act to protect railroad companies in the use and enjoyment of their rights of way, by forbidding the condemnation thereof for other purposes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no part of the right of way of any railroad company, or any interest or easement therein, shall be taken by any condemnation proceedings, or without the consent of such railroad company, for the use or occupancy of any part

of such right of way, on, over, and along such right of way longitudinally, by any telegraph, telephone, electric light, power, or other wire company, with its poles, cables, wires, conduits, or other fixtures; provided, that nothing in this section shall be construed as preventing any such wire company from obtaining the right to cross the right of way of a railroad company, under existing laws in such manner as not to interfere with the ordinary use or ordinary travel and traffic of such railroad company's railroad.

§ 2. That all acts and parts of acts in conflict with this act be and the same are hereby repealed.

Mr. Radcliffe offered the following amendment to said bill, viz.:

Amend Senate Bill No. 347 by adding to section 1 the following:

All corporations or companies organized under the laws of this or any other State for the purpose of maintaining, constructing or operating telephone or telegraph poles, cables, wires or other fixtures are hereby vested with the right and power to acquire by condemnation such land as may be reasonably necessary along, adjacent, and adjoining any railroad right-of-way in this State for the purpose of constructing, maintaining and operating such poles, cables, wires, conduits or other fixtures and such condemnation proceedings shall be instituted, conducted and tried and the procedure therein shall be governed by the existing statutes in this State for the purpose of condemning lands for railroad uses.

Said amendment was disagreed to.

Mr. Radcliffe moved that Senate Bill 347 be recommitted.

The yeas and nays being called for by Messrs. Radcliffe and Kauffman on said motion to recommit were as follows:

Those who voted in the affirmative were—

W. E. Dowling	J. S. Hall	C. B. Nichols
William Duffy	David J. Howard	Richard Radcliffe
J. R. Durham	H. Clay Kauffman	L. M. Smith
T. T. Gardner	W. J. McMurray	E. G. Young

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Those who voted in the negative were—

Peter Ampler	W. B. Harvey	W. A. Price
H. F. S. Bailey	W. C. G. Hobbs	J. D. Pumphrey
Geo. B. Barrett	A. B. Holland	D. S. Richardson
C. H. Bays	J. M. Howell	John T. Roach
Chas. D. Bratcher	Chas. L. Hunter	Lewis Ryans
G. G. Brashear	R.B.Hutchcraft,Jr.	Joe Schneider
Frank J. Brown	R. B. Jackson	E. D. Smith
W. H. Brown	J. M. Johnson	Claude B. Smith
E. Bullock	T. R. Jones	John W. Snider
Henry A. Cannon	W. H. Jones	Adam Spahn
Glover H. Cary	Wm. J. Kuh	Thomas Spurrier
R. A. Cook	M. E. Lee	Ed. D. Stone
A. S. Cooper	Dr. J. E. Lilly	R. C. Tartar
S. B. Coleman	W. R. Lyon	J. H. Thompson
W. P. Cropper	Dr. C. W. Mathers	Robt. R. Treadway
R. T. Crowe	Jacob Metzger	F. C. Trivette
James S. Cruse	Claude D. Minor	D. B. Tyra
H. C. Cummins	S. Montgomery	J. Wood Vance
S. C. Dobbs	G. B. Moores	J. W. Wall
Jas. R. Dorman	John T. Murphy	John S. Webb
Thomas A. Dover	B. F. McAtee	W. M. Webb
Odie Duncan	L. T. Neat	Frank M. White
J. M. Elliston	S. Mazyck O'Brien	J. D. Wills
L. L. Embrey	A. J. Oliver	M. O. Wilson
Wm. Gearheart	Geo. L. Pickett	E. S. Wood
W. G. Gooch	A. B. Pieratt	Louis E. Yewell

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And so said motion was disagreed to.

Mr. Hutchcraft moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	H. C. Cummins	J. M. Howell
H. F. S. Bailey	S. C. Dobbs	Chas. L. Hunter
Geo. B. Barrett	Jas. R. Dorman	R.B.Hutchcraft,Jr.
C. H. Bays	Thomas A. Dover	R. B. Jackson
Chas. D. Bratcher	Odie Duncan	J. M. Johnson
G. G. Brashear	J. R. Durham	T. R. Jones
Frank J. Brown	J. M. Elliston	W. H. Jones
W. H. Brown	L. L. Embrey	Wm. J. Kuh
E. Bullock	T. T. Gardner	M. E. Lee
Henry A. Cannon	Wm. Gearheart	Dr. J. E. Lilly
Glover H. Cary	W. G. Gooch	W. R. Lyon
R. A. Cook	Frank C. Greene	Dr. C. W. Mathers
A. S. Cooper	C. H. Grimes	Jacob Metzger
S. B. Coleman	J. S. Hall	Claude D. Minor
W. P. Cropper	W. B. Harvey	S. Montgomery
R. T. Crowe	W. C. G. Hobbs	G. B. Moores
James S. Cruse	A. B. Holland	John T. Murphy

B. F. McAtee	Lewis Ryans	F. C. Trivette
L. T. Neat	Joe Schneider	D. B. Tyra
C. B. Nichols	E. D. Smith	J. Wood Vance
S. Mazyck O'Brien	Claude B. Smith	J. W. Wall
A. J. Oliver	John W. Snider	John S. Webb
Geo. L. Pickett	Adam Spahn	W. M. Webb
A. B. Pieratt	Thomas Spurrier	Frank M. White
W. A. Price	Ed. D. Stone	J. D. Wills
J. D. Pumphrey	R. C. Tartar	M. O. Wilson
D. S. Richardson	J. H. Thompson	E. S. Wood
John T. Roach	Robt. R. Treadway	Louis E. Yewell

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Those who voted in the negative were—

W. E. Dowling	Harry J. Meyers	L. M. Smith
William Duffy	W. J. McMurray	E. G. Young
David J. Howard	William A. Perry	
H. Clay Kauffman	Richard Radcliffe	

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Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Crowe moved that Senate Bill 74 be taken from the orders of the day and placed upon its passage.

The yeas and nays being called for by Messrs. Kauffman and Wills on said motion were as follows:

Those who voted in the affirmative were—

H. F. S. Bailey	G. G. Brashear	Henry A. Cannon
C. H. Bays	W. H. Brown	Glover H. Cary
Chas. D. Bratcher	E. Bullock	A. S. Cooper

R. T. Crowe	T. R. Jones	L. M. Smith
H. C. Cummins	W. H. Jones	E. D. Smith
S. C. Dobbs	H. Clay Kauffman	Thomas Spurrier
Thomas A. Dover	M. E. Lee	Ed. D. Stone
L. L. Embrey	W. R. Lyon	R. C. Tartar
Wm. Gearheart	S. Montgomery	F. C. Trivette
Frank C. Greene	G. B. Moores	J. Wood Vance
C. H. Grimes	E. B. McGlone	J. W. Wall
J. S. Hall	W. J. McMurray	W. M. Webb
W. B. Harvey	L. T. Neat	Frank M. White
A. B. Holland	A. B. Pieratt	J. D. Wills
David J. Howard	J. D. Pumphrey	M. O. Wilson
R.B.Hutchcraft,Jr.	Harry P. Purnell	E. G. Young
R. B. Jackson	Richard Radcliffe	
J. M. Johnson	John T. Roach	—52

Those who voted in the negative were—

Peter Ampler	T. T. Gardner	B. F. McAtee
Geo. B. Barrett	W. G. Gooch	S. Mazyck O'Brien
Frank J. Brown	W. C. G. Hobbs	William A. Perry
R. A. Cook	J. M. Howell	Geo. L. Pickett
S. B. Coleman	Chas. L. Hunter	W. A. Price
W. P. Cropper	Wm. J. Kuh	D. S. Richardson
James S. Cruse	W. T. Lasley	Lewis Ryans
Jas. R. Dorman	Dr. J. E. Lilly	Joe Schneider
W. E. Dowling	Dr. C. W. Mathers	Claude B. Smith
William Duffy	Jacob Metzger	Adam Spahn
Odie Duncan	Harry J. Meyers	Robt. R. Treadway
J. R. Durham	Claude D. Minor	John S. Webb
J. M. Elliston	John T. Murphy	Louis E. Yewell
		—39

And so said motion was disagreed to.

On Mr. Crowe's motion to take Senate Bill 74 from the orders of the day and place same upon its passage, Mr. Speaker *Pro Tem.* Meyers ruled that said motion required a suspension of the rules and, therefore, would take a two-

thirds vote of those present and voting to take Senate Bill 74 from the orders of the day, and for this reason said motion was lost.

From which ruling Mr. Greene announced that he would take an appeal, and prepared his said appeal in writing and sent same to the clerk's desk.

Said appeal reads as follows:

Come F. C. Greene and W. B. Harvey and appeal from the decision of the chair wherein the chair ruled that it takes two-third vote to put up Senate Bill No. 74 for passage.

F. C. GREENE,
W. B. HARVEY.

Mr. Greene moved that the session be extended until the matter under discussion is disposed of.

Said motion was agreed to.

M. Speaker Meyers designated Mr. Price to preside as Speaker *Pro Tem.* during the pendency of the appeal.

Mr. Meyers vacated the chair.

Mr. Price took the chair and presided as Speaker during the pendency of said appeal.

Mr. Speaker Price stated that the question is: Shall the decision of the chair be sustained?

The yeas and nays being called for on said question by Messrs. Greene and Harvey were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. G. Gooch	A. J. Oliver
Geo. B. Barrett	J. S. Hall	William A. Perry
Frank J. Brown	W. C. G. Hobbs	Geo. L. Pickett
Glover H. Cary	J. M. Howell	J. D. Pumphrey
R. A. Cook	Chas. L. Hunter	Harry P. Purnell
S. B. Coleman	R.B.Hutchcraft,Jr.	D. S. Richardson
W. P. Cropper	Wm. J. Kuh	Lewis Ryans
James S. Cruse	W. T. Lasley	Joe Schneider
S. C. Dobbs	M. E. Lee	Claude B. Smith
Jas. R. Dorman	Dr. J. E. Lilly	John W. Snider
W. E. Dowling	Dr. C. W. Mathers	Adam Spahn
William Duffy	Jacob Metzger	Robt. R. Treadway
Odie Duncan	Claude D. Minor	D. B. Tyra
J. R. Durham	John T. Murphy	J. Wood Vance
J. M. Elliston	B. F. McAtee	John S. Webb
T. T. Gardner	S. Mazyck O'Brien	Louis E. Yewell

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Those who voted in the negative were—

H. F. S. Bailey	W. B. Harvey	Richard Radcliffe
C. H. Bays	A. B. Holland	John T. Roach
Chas. D. Bratcher	David J. Howard	L. M. Smith
G. G. Brashear	R. B. Jackson	E. D. Smith
W. H. Brown	J. M. Johnson	Thomas Spurrier
E. Bullock	T. R. Jones	Ed. D. Stone
Henry A. Cannon	W. H. Jones	R. C. Tartar
A. S. Cooper	H. Clay Kauffman	F. C. Trivette
R. T. Crowe	W. R. Lyon	J. W. Wall
H. C. Cummins	S. Montgomery	W. M. Webb
Thomas A. Dover	G. B. Moores	Frank M. White
L. L. Embrey	E. B. McGlone	J. D. Wills
Wm. Gearheart	W. J. McMurray	M. O. Wilson
Frank C. Greene	L. T. Neat	E. G. Young
C. H. Grimes	A. B. Pieratt	

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So the said decision of Mr. Speaker Meyers was sustained.

Mr. Duncan moved that the vote by which the decision of the chair was sustained be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had concurred in the House amendments to Senate Bill 6, to the House amendments to Senate Bill 85 and to the House amendments to Senate Bill 139.

A message was received from the Senate announcing that they had passed bills which originated in the House of the folowing titles, viz.:

H. B. 326. An act providing a stenographer in the county attorney's office in counties containing a city of the first class.

H. B. 295. An act to amend Section 1 of an act entitled, "An act authorizing corporations organized or empowered to construct dam or dams in any river or stream in this State for the purpose of improving navigation or developing, using, distributing and selling water power, electricity or electrical energy, to exercise the right of eminent domain," approved March 4, 1908, and being Subsection 1 of Section 1599b of Carroll's Kentucky Statutes, 1915, so that when so amended said act will authorize all corporations heretofore or hereafter authorized under the laws of this State to conduct the business of producing and supplying electricity for purposes of light, heat or power, and which shall be engaged or shall hereafter desire to engage in the business of the transmission of such electricity, to exercise the power of eminent domain.

H. B. 294. An act to amend Section 1 of an act en-

titled, "An act to authorize, under certain conditions and restrictions, the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the business of producing and supplying by water power, electricity for lighting, heating and power purposes," approved March 17, 1908, and being Subsection 1 of Section 1599c of Carroll's Kentucky Statutes 1915, so that when so amended said act will authorize all persons, firms or corporations engaged in the business of producing and supplying electricity for lighting, heating or power purposes, to use the public highways, roads and turnpikes, under certain conditions and restrictions, and giving to such persons, firms or corporations the authority to exercise the power of eminent domain for such purposes.

H. B. 374. An act to regulate the time of holding the terms of Circuit Court in the Thirteenth Judicial District and the length of said terms, and declaring an emergency.

H. B. 260. An act for the benefit of graded schools under special charters and having an endowment fund.

H. B. 411. An act to amend Section 490 of the Civil Code of Practice concerning the sale of real property and to authorize the confirmation of certain sales heretofore made.

Also that they had passed a bill which originated in the House of the following title, viz.:

H. B. 129. An act to amend Section 965, Kentucky Statutes, relating to Circuit Courts in the Fifth Judicial District.

With a Senate amendment thereto.

And then the House adjourned.

EVENING SESSION.

At 7 o'clock the House reconvened.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, resolutions of the following titles, viz.:

H. Res. 11. A resolution relating to costs and attorneys' fees in the contest case of S. C. Dobbs against W. C. Allen.

H. Res. 18. Resolution providing for furnishing Kentucky directories.

H. Res. 12. Resolution providing for the appointment of a commission to investigate the condition as to feeblemindedness among the inhabitants of the State of Kentucky.

Whereupon all other business was suspended, said resolutions were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said resolutions.

Ordered that the enrolling clerk deliver said resolutions to the Senate.

After a time the enrolling clerk delivered the original and enrolled resolutions which originated in the House to the clerk.

Ordered that the chief clerk deliver the enrolled resolutions which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 47. An act to amend part of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, which relates to revenue and taxation, as amended at the regular session of the General Assembly during the year 1910, being section 3002 of the Kentucky Statutes of 1915.

H. B. 289. An act to regulate the sale of agriculture and other seeds.

H. B. 104. An act to regulate and control fraternal benefit societies.

H. B. 382. An act to amend Section 10 of Article 17 of Chapter 22, of an act of the General Assembly of Kentucky, approved March 15, 1906, entitled, "An act relating to revenue and taxation."

H. B. 221. An act relating to the election, terms, qualification, salaries and duties of commissioners to constitute the Fiscal Court in counties having cities of the first class and providing for clerks and for payment of salaries and expenses—also providing penalties for failure to perform duties.

H. B. 464. An act to provide for necessary clerical service for the State Library.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House,

and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the original and enrolled bills which originated in the House to the clerk.

Ordered that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 196. An act to repeal Section 6 of Chapter 62, Acts 1908, entitled, "An act to amend an act approved March the 21st, 1906, entitled, 'An act to establish a system of State normal schools in Kentucky; to create a board of regents for the general management thereof; to create a normal executive council, which shall determine the requirements for admission and graduation and the courses of study for said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance.'"

H. B. 114. An act to repeal the charter of the town of Flat Gap, in Johnson county.

H. B. 65. An act in relation to the semi-monthly payment of wages and salaries by corporations for pecuniary profit and providing penalty for violation of same.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the original and enrolled bills which originated in the House to the clerk.

Ordered that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 150. An act to further amend Sections 124 and 143 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, as amended by an act entitled, "An act to amend an act entitled, 'An act for the creation and regulation of private corporations,' " being an act relating to the subject of insurance and the transaction of the business of

life or casualty insurance or both life and casualty insurance upon the co-operative or assessment plan, which became a law on June ....., 1910, and is Chapter 103 of the Acts of 1910, and which sections are Sections 661 and 680 of the Kentucky Statutes, Carroll's Edition of 1915.

H. B. 312. An act for the benefit of the Kentucky Illiteracy Commission, appropriating money thereto and providing a census of adult illiterates.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the original and enrolled bills which originated in the House to the clerk.

Ordered that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 26. An act to amend and re-enact Section 3637 of the Kentucky Statutes, Carroll's Edition, being a part of

Article VI. of an act of July 3, 1893, entitled, "Municipal corporations, cities of the fifth class," so as to permit the council of such cities through its Mayor, to sell, convey and transfer to the United States government water front, or a portion thereof when needed to improve navigation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3637 of the Kentucky Statutes, Carroll's Edition, being a part of Article VI. of the Act of July 3, 1893, entitled, "Municipal corporations, cities of the fifth class," be amended by the addition thereto of the following words, to-wit:

"Provided, further, that in the event that the United States government shall require for purposes of improving navigation by building locks and dams, or other structures tending to the improvement of rivers and facilities for water transportation along such water front, then in such event, the city council of such cities of the fifth class, through its Mayor, shall have power to sell, convey and transfer to said United States government such water front, or such portion thereof as may be required by said United States government for such purpose or purposes."

And re-enacted to read as follows, viz.:

"Section 3637. The city council of such city shall have power to pass ordinances not in conflict with the Constitution or laws of this State, or of the United States; to contract for supplying the city with water and lights; to purchase, lease, or receive such real estate and personal property as may be necessary and proper for municipal purposes, and

to control, dispose of and convey the same for the benefit of the city; Provided, That they shall not have the power to sell or convey any portion of any water front, but may rent such water front for a term not exceeding twenty years, except the wharf privileges, which shall not be leased for more than five years;

"Provided further, That in the event that the United States government shall require for purposes of improving navigation by building locks and dams, or other structures tending to the improvement of rivers and facilities for water transportation along such water front, then in such event, the city council of such cities of the fifth class, through its Mayor, shall have power to sell, convey, and transfer to said United States government such water front, or such portion thereof as may be required by said United States government for such purpose or purposes."

All laws or parts of laws in conflict with this act are hereby repealed.

Mr. Spahn moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	David J. Howard	A. B. Pieratt
C. H. Bays	J. M. Howell	W. A. Price
G. G. Brashear	Chas. L. Hunter	Harry P. Purnell
Frank J. Brown	R.B.Hutchcraft,Jr.	D. S. Richardson
W. H. Brown	R. B. Jackson	John T. Roach
E. Bullock	J. M. Johnson	Lewis Ryans
R. A. Cook	W. H. Jones	L. M. Smith
A. S. Cooper	H. Clay Kauffman	Claude B. Smith
S. B. Coleman	Wm. J. Kuh	John W. Snider
W. P. Cropper	M. E. Lee	Adam Spahn
R. T. Crowe	Dr. J. E. Lilly	Ed. D. Stone
H. C. Cummins	W. R. Lyon	R. C. Tartar
S. C. Dobbs	Harry J. Meyers	J. H. Thompson
W. E. Dowling	Claude D. Minor	Robt. R. Treadway
William Duffy	G. B. Moores	F. C. Trivette
J. M. Elliston	John T. Murphy	J. W. Wall
W. G. Gooch	B. F. McAtee	Frank M. White
C. H. Grimes	E. B. McGlone	J. D. Wills
W. B. Harvey	W. J. McMurray	M. O. Wilson
W. C. G. Hobbs	C. B. Nichols	Louis E. Yewell
A. B. Holland	S. Mazyck O'Brien	—62

Resolved, that the title thereof be as aforesaid.

Mr. O'Brien moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 256. An act to empower the Board of Penitentiary Commissioners to convey land to the United States government for purpose of building locks and dams, and ceding such land when so conveyed.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Board of Penitentiary Commissioners of the Commonwealth of Kentucky, be and they are hereby empowered to convey by fee simple title deed, on such terms as they may deem proper and just, any part of land or lands under their authority and control, the property of the Commonwealth of Kentucky, to the government of the United States, or the officers thereof, for the purpose of erection thereupon and abutting thereon, locks and dams and necessary appurtenances thereto, in and upon the nagivable streams in this Commonwealth.

§ 2. That upon the execution of the deed of conveyance as aforesaid, by said Board of Commissioners, the title shall vest absolutely in the grantee, for the purposes above set out, and jurisdiction over such lands so conveyed shall be and is ceded and relinquished to the United States, with the express condition that the Commonwealth of Kentucky shall retain and have jurisdiction concurrent with the United States, over any and all lands so conveyed, as that any and all civil and criminal process issued under and by any legal authority of the Commonwealth may and shall be executed thereon in like manner as if said land had remained in the full ownership of this Commonwealth.

Mr. Spahn moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Chas. L. Hunter	Harry P. Purnell
C. H. Bays	R.B.Hutchcraft,Jr.	Richard Radcliffe
Chas. D. Bratcher	J. M. Johnson	D. S. Richardson
G. G. Brashear	T. R. Jones	John T. Roach
Frank J. Brown	W. H. Jones	Lewis Ryans
E. Bullock	Wm. J. Kuh	Joe Schneider
Glover H. Cary	M. E. Lee	L. M. Smith
A. S. Cooper	Dr. J. E. Lilly	E. D. Smith
S. B. Coleman	W. R. Lyon	Claude B. Smith
W. P. Cropper	Dr. C. W. Mathers	John W. Snider
R. T. Crowe	Harry J. Meyers	Adam Spahn
H. C. Cummins	Claude D. Minor	Ed. D. Stone
S. C. Dobbs	G. B. Moores	R. C. Tartar
Jas. R. Dorman	John T. Murphy	J. H. Thompson
William Duffy	B. F. McAtee	Robt. R. Treadway
J. R. Durham	E. B. McGlone	F. C. Trivette
J. M. Elliston	W. J. McMurray	D. B. Tyra
W. G. Gooch	L. T. Neat	J. Wood Vance
C. H. Grimes	C. B. Nichols	J. W. Wall
W. B. Harvey	S. Mazyck O'Brien	John S. Webb
W. C. G. Hobbs	William A. Perry	J. D. Wills
A. B. Holland	Geo. L. Pickett	Louis E. Yewell
David J. Howard	A. B. Pieratt	E. G. Young
J. M. Howell	J. D. Pumphrey	—71

Resolved, that the title thereof be as aforesaid.

Mr. O'Brien moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 294. An act to repeal and re-enact Sections 556, 769, 770 and 771, Kentucky Statutes, Edition 1915, relating to corporations.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 556, Kentucky Statutes, Edition 1915, be and the same is hereby repealed and re-enacted so as to read as follows:

When the agreement is signed, acknowledged and recorded in the same manner as articles of incorporation are required to be, the separate existence of the constituent corporations shall cease, and the consolidated corporations shall become a single corporation in accordance with the said agreement, and subject to all the provisions of this chapter and other laws related to it, and shall be vested with all the rights, privileges, franchises, exemptions, property, business, credits, assets and effects of the constituent corporations without deed or transfer, and shall be bound for all their contracts and liabilities; Provided, that no consolidated company formed under this chapter or the laws of this State shall be required to pay any organization tax on the amount of capital stock on which the organization tax has been paid by the constituent companies prior to the consolidation, and

when a foreign corporation consolidated with one or more corporations in this State the organization tax as required by the laws of this State shall be paid on the amount of capital stock of such foreign corporation and the organization tax shall be paid on any increase of the capital stock of the consolidated corporation over the aggregate capital stock of the constituent corporations prior to consolidation.

§ 2. That Section 769, Kentucky Statutes, Edition 1915, be repealed and re-enacted so as to read as follows:

Any company may build such spurs, switches, tracks or branches as may be necessary to conduct its business or develop business along its line of railroad, and for that purpose shall have all the powers, and be subject to the same restrictions and liabilities, as are conferred upon it for the construction of its main line.

§ 3. That Section 770, Kentucky Statutes, Edition 1915, be and the same is hereby repealed and re-enacted so as to read as follows:

Any two or more companies may, unless otherwise provided by law, consolidate into a single company in the manner provided by Section 556, Kentucky Statutes, as amended by this act.

§ 4. That Section 771, Kentucky Statutes, Edition 1915, be and the same is hereby repealed and re-enacted so as to read as follows:

Corporations organized under this law shall have power to borrow such sums of money as may be necessary for funding their floating debt or for completing, equipping or operating their road or any part thereof, or for paying any debt incurred for such purpose, and to issue and dispose of their

bonds and obligations for any amount necessarily borrowed for such purpose, and to mortgage their corporate property, franchise or any part thereof to secure the payment of any debt contracted or to defray any expenditures for the purposes aforesaid; and may in the manner provided in Article 1 of this chapter increase or decrease its capital stock; and the increased stock may be common or preferred as shall be designated in the call for the meeting of the stockholders. If preferred stock be issued, the company may guarantee to the holders thereof semi-annual or quarterly dividends, to an amount not exceeding six per cent. per annum payable at its office or at such other places as the directors may designate. The stock may be sold at such time and place, either within or without the State, as may be deemed advisable, and the proceeds thereof applied for the purposes for which it was issued; the common stock of the company shall be entitled to dividends only out of the surplus of the profits after setting apart a sum sufficient to pay the dividends upon the preferred stock and the company which issues such preferred stock shall reserve the privilege of redeeming and canceling same at par at any time after three years from the date of its issue.

§ 5. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. Cary offered the following amendment to said bill, viz.:

Amend Senate Bill No. 294 by striking out Section 2 thereof and renumbering Sections 3, 4 and 5 so that they will be Sections 2, 3 and 4 respectively, and by striking the figures "769" from the title.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	A. B. Holland	Richard Radcliffe
H. F. S. Bailey	Chas. L. Hunter	D. S. Richardson
Geo. B. Barrett	J. M. Johnson	John T. Roach
C. H. Bays	T. R. Jones	L. M. Smith
G. G. Brashear	H. Clay Kauffman	E. D. Smith
Frank J. Brown	Wm. J. Kuh	Claude B. Smith
W. H. Brown	Dr. J. E. Lilly	John W. Snider
Glover H. Cary	Dr. C. W. Mathers	Adam Spahn
A. S. Cooper	Jacob Metzger	Ed. D. Stone
S. B. Coleman	Harry J. Meyers	R. C. Tartar
W. P. Cropper	Claude D. Minor	J. H. Thompson
R. T. Crowe	G. B. Moores	Robt. R. Treadway
H. C. Cummins	John T. Murphy	F. C. Trivette
S. C. Dobbs	B. F. McAtee	D. B. Tyra
Jas. R. Dorman	E. B. McGlone	J. Wood Vance
William Duffy	W. J. McMurray	J. W. Wall
Odie Duncan	C. B. Nichols	John S. Webb
J. R. Durham	S. Mazyck O'Brien	J. D. Wills
J. M. Elliston	Geo. L. Pickett	M. O. Wilson
W. G. Gooch	A. B. Pieratt	Louis E. Yewell
C. H. Grimes	W. A. Price	E. G. Young
W. C. G. Hobbs	Harry P. Purnell	—65

Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 274. An act to provide means for the analysis and examination, investigation, publication, and other necessary expenses connected with the carrying out of Chapter 4 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1908, entitled, "An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violation thereof," and appropriating and limiting the amount of money to be paid from the treasury of the Commonwealth for such work.

Said bill reads as follows:

Whereas the Court of Appeals has, by decision, held that Section 11 of the Act approved March 13, 1908, being Chapter 4 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1908, and entitled, "An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violation thereof," is in violation of the Constitution of the Commonwealth of Kentucky, in that the said Section 11 is not mentioned in the title of the said act; and

Whereas the enforcement of laws to prevent food and drug adulteration is vitally essential to the health of the people and the integrity of commerce in these products; and

Whereas the laws will be dead letters if investigations and analyses to discover adulterations and fraud are not continued, and the State will become a dumping ground for all

manner of adulterated and debased foods and drugs and liquors; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Kentucky Agricultural Experiment Station shall receive expenses for the analysis or examination of any sample of food or drug taken or submitted in accordance with Chapter 4, of the Acts of the Commonwealth of Kentucky, approved March 13, 1908, and expenses for procuring samples of food or drugs and in making inspections into the condition and wholesomeness and purity of the food produced, manufactured or sold in food factories, grocery stores, bakeries, slaughter houses, dairies, milk depots or creameries, and all other places where foods are produced, prepared, stored, kept or offered for sale; for studying the problems connected with the production, preparation and sale of foods; investigations for standards; for expert witnesses attending grand juries and courts, clerk hire, and all other expenses necessary for carrying out the provisions of the said act, including salary of the experts engaged in the work. Provided, that the total expense from all sources shall not exceed, in any one year, thirty thousand dollars ($30,000.00.)

§ 2. The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts an itemized statement of the expenditures of money under this act, in the manner required by the Statutes governing claims. The expenditures reported to the Auditor shall be paid by the Commonwealth to the treasurer of the Experiment Station, upon the written request of the Board of Control of the said Experiment Station, and the Auditor, for the payment of the same, is directed to draw his warrant upon the Treasurer as in all other claims against the Commonwealth.

§ 3. The said Experiment Station may fix reasonable fees for the examination of samples of foods or drugs, or labels for the same, submitted by manufacturers or dealers, for the purpose of determining as to whether any such products or labels comply with the provisions of said law, and reasonable fees for the examination of labels and inquiry into other matters connected with the enforcement of the said act, and which may be requested of the said station. And, whenever a sample has been found to be adultered or misbranded, the said Experiment Station shall collect a fee, not to exceed fifteen dollars ($15.00), to cover the costs of investigation or analysis, to be taxed as costs and paid by the magistrate, police judge, or clerk of any court in which prosecution is brought, and is in favor of the Commonwealth, to the Auditor of Public Accounts or by the Experiment Station, at civil suit, and all such fees, so collected shall be paid to the Auditor of Public Accounts and set aside as a fund for the partial maintenance of the appropriation made herein, and for the further enforcement of the act in the event that the fees amount to more than the appropriation made herein.

§ 4. The said Experiment Station, or its food and drug department, shall analyze samples submitted by county and city health officers, provided such samples are submitted in accordance with the terms of the said act; and the Experiment Station, or its food and drug department, shall have the right to require county and city health officers, or food and dairy inspectors, to make inspections and to collect and send samples for examination, and to call upon all other county and city officials for assistance in carrying the said act into effect. As means for further carrying out the provisions of this act, the experts employed under the provisions of this act shall give instruction, free of cost, to any county or city health officer or employe of any county or city health department, who may request the same, in matters pertaining to the inspection and practical remedies for in-

sanitary conditions in the preparation and sale of foods, examination of samples, and similar matters; and such courses of instruction may be conducted in connection with other courses of instruction at the State University.

§ 5. Whereas, the Kentucky food and drug act is left without funds for its enforcement, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. M. Elliston	Dr. C. W. Mathers
H. F. S. Bailey	W. G. Gooch	Jacob Metzger
Geo. B. Barrett	Frank C. Greene	Harry J. Meyers
C. H. Bays	C. H. Grimes	John T. Murphy
Frank J. Brown	J. S. Hall	B. F. McAtee
W. H. Brown	W. C. G. Hobbs	E. B. McGlone
A. S. Cooper	A. B. Holland	W. J. McMurray
S. B. Coleman	David J. Howard	C. B. Nichols
W. P. Cropper	J. M. Howell	S. Mazyck O'Brien
James S. Cruse	Chas. L. Hunter	Geo. L. Pickett
H. C. Cummins	R.B.Hutchcraft,Jr.	W. A. Price
S. C. Dobbs	R. B. Jackson	J. D. Pumphrey
Jas. R. Dorman	T. R. Jones	Harry P. Purnell
William Duffy	W. T. Lasley	Richard Radcliffe
Odie Duncan	Dr. J. E. Lilly	D. S. Richardson
J. R. Durham	W. R. Lyon	John T. Roach

Lewis Ryans	Ed. D. Stone	J. Wood Vance
L. M. Smith	R. C. Tartar	John S. Webb
E. D. Smith	J. H. Thompson	Louis E. Yewell
Claude B. Smith	Robt. R. Treadway	E. G. Young
John W. Snider	D. B. Tyra	—62

Those who voted in the negative were—

H. Clay Kauffman	J. D. Wills	M. O. Wilson
A. B. Pieratt		—4

Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

By the unanimous consent of the House the Hon. Ed Young, ex-member of this House, was granted the privilege of the floor of the House.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 173. An act for the protection of game fish and game animals; fixing open and closed seasons and providing penalties for violation.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Quail or Bobwhite—When Unlawful to Catch or Kill.—No person shall, between the second day of January and the 14th day of November, both days inclusive, in any

year, catch, kill, injure, or pursue with such intent, any quail or bobwhite, or have in possession any quail or bobwhite, or any part of any quail or bobwhite, dead or alive, no matter when or where caught or killed, whether caught or killed in this State, or any other State, territory, country or place, except as hereinafter provided in Section 12 of this act.

§ 2. Doves—When Unlawful to Catch or Kill.—No person shall, between the 16th day of October and the 31st day of August, both days inclusive, in any year, catch, kill, injure, or pursue with such intent, any doves, or have in possession any doves, or any part of any dove, dead or alive, no matter when or where caught or killed, whether caught or killed in this State, or in any other State, territory, country or place, except as provided in Section 12 of this act.

§ 3. Woodcock.—No person shall at any time in any year, catch, kill, injure, or pursue with such intent, any woodcock, or have in possession any woodcock, or any part of any woodcock, dead or alive, no matter when or where caught or killed, whether caught or killed in this State, or in any other State, territory, country or place.

§ 4. Squirrels—When Unlawful to Catch or Kill.—No person shall, between the 16th day of December and the 30th day of June, both days inclusive, in any year, catch, kill, injure, or pursue with such intent, any squirrel, or have in possession any squirrel, or any part of any squirrel, no matter when or where caught or killed, whether caught or killed in this State, or any other State, territory, country or place.

§ 5. Rabbits.—No person shall between the 1st day of January and the 14th day of November, both days inclusive, in any year, catch, kill, injure or pursue with such intent, any rabbit; provided, however, anyone may catch rabbits with dogs, or in traps, upon their own property for their own use,

but said rabbits or parts thereof, cannot be bartered or traded, or offered or exposed for sale, barter or trade, between the dates above mentioned.

§ 6. Wild Turkey, Native Pheasant, Imported Pheasant or Hungarian Partridge—When Unlawful to Catch or Kill.—No person shall catch or kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any wild turkey, native or imported pheasant, or Hungarian partridge, before the 15th day of November, 1920, and on and after November 15, 1920, no person shall kill more than two wild turkeys during the open season in any one year, nor more than two pheasants or Hungarian partridges, in any one day, when it is lawful to kill them.

§ 7. Prohibiting the Sale of Wild Turkey, Imported or Native Pheasant, Hungarian Partridge, Quail or Bobwhite. —No person shall in this State, at any time, buy, sell, barter, trade, or offer or expose for sale, barter or trade, or have in possession for the purpose of selling, bartering or trading, any wild turkey, imported or native pheasant, Hungarian partridge, quail, or bobwhite, no matter when or where caught or killed, whether caught or killed in this State, or in any other State, territory, country or place, except as provided for in Section 12 of this act.

§ 8. Transportation or Possession Unlawful Except as to Hunters.—It shall be unlawful for any firm, association, corporation, express company, transportation company, or any other common carrier, or any of its officers, servants or agents, or any other person, to receive for transportation, or transport, or to carry, or cause to be transported or carried, or have in possession with the intention to transport or carry, or to deliver or offer to deliver, for, or secure the transportation or carrying of, within this State or the confines thereof, or out of this State, any wild turkey, pheasant, grouse, quail,

partridge, dove, prairie chicken, woodcock, deer, elk, wild turkey, brant, wild goose, or any other wild fowl, or any part of any bird or animal mentioned in this section: Provided, however, that it shall not be unlawful for any person, firm, association, corporation, or transportation company, or other common carrier, to transport a hunter with his game lawfully killed and possessed by him. Provided, further, that it shall not be unlawful for any person, firm, association, corporation, transportation company, or any other carrier, to transport, carry, or ship, any of the birds or animals provided for in this section, which have been raised in captivity, or which have been purchased in this or other States for propagation, when the package containing their bodies or parts thereof, are clearly marked and contain thereon in a conspicuous place a permit from the Kentucky Game and Fish Commission covering their transportation. Provided further, that no permit shall be issued covering transportation except where birds are to be used for propagation purposes, or where they have been raised in captivity from breeding stock lawfully acquired.

§ 9. Game, Song or Insectivorous Birds—Prohibit the Trapping of.—No person shall at any time catch, kill or take, by means of a net, trap, box or snare, or have in possession after it has been so caught or taken or killed, any game, song or insectivorous birds.

§ 10. Quail or Bobwhite—Bag Limit.—No person shall shoot, kill, or have in possession, more than twelve (12) quail or bobwhite in any one day, between the 15th day of November of any year and the first day of January of the succeeding years, both days inclusive: Provided, however, that any person having hunted two days in succession may have in possession a total of not to exceed twenty-four (24) quail or bobwhite killed by himself during such hunt, and any person having hunted more than two days in succession may have

in possession a total of not to exceed twelve (12) quail or bobwhite killed by himself for each day during such hunt.

§ 11. Doves—Bag Limit.—No person shall shoot, kill, or have in possession more than fifteen (15) doves in any one day, between the first day of September and the 16th day of October of any year, both days inclusive: Provided, however, that any person having hunted two days or more in succession may have a total not to exceed fifteen (15) doves killed by himself for each day during such hunt.

§ 12. Domesticated Game Birds and Game Animals—Permits for Holding in Captivity.—That all game birds and game animals reared or bred in captivity, shall be considered domesticated stock and the owners or raisers thereof, may keep, sell, ship, transport, or otherwise dispose of them, and such stock shall not be affected or covered by the law prohibiting or regulating the killing or disposition of game birds or game animals, when the breeders or owners thereof have a permit for the keeping, selling, shipping, transporting, or otherwise disposing of them. Such permits shall be issued by the Game and Fish Commission upon application and shall be granted where the said birds or animals have been lawfully acquired and raised. Provided, that the dead body or parts thereof of any bird or animal, lawfully reared in captivity, may be sold when such animal or bird or part thereof, is marked with a metal tag, said tag to be furnished by the Game and Fish Commission upon application, and no charge shall be made except for actual cost of said tag or tags.

13. Penalty.—Any person violating any provision or any section of this act, shall upon conviction thereof, be fined not less than fifteen ($15.00) nor more than fifty ($50.00) dollars for each offense.

§ 14. Failure to Pay Fine.—Any person having been found guilty of violating any section or any part of any section of this act, and fined therefor, shall on failure to pay such fine, be confined in the county jail or workhouse, or placed at labor on any of the public works of the county in which he is convicted and fined, for a length of time not exceeding one day for every one and one-half dollars of said fine.

§ 15. Deer and Elk.—No person shall, in the State of Kentucky, before November 15, 1921, hunt, pursue, chase, catch, kill, injure, or molest, any deer or elk. Any person violating this section, or any part thereof, shall, upon conviction, be fined not less than fifty ($50.00) nor more than one hundred ($100.00) dollars for each offense, and on failure to pay such fine, shall be confined in the county jail or workhouse, or placed at labor on any of the public works of the county in which he is convicted and fined, for a length of time not exceeding one day for every one and one-half dollars of said fine.

§ 16. Dogs Hunting or Chasing Deer.—Every person who owning, controlling, or having in his possession, any dog or dogs, and uses or knowingly suffers, permits or allows such dog or dogs to run, track, trail, or injure any deer, or elk, at any time, shall, upon conviction be fined not less than fifty dollars nor more than one hundred dollars for each offense, and on failure to pay such fine, shall be confined in the county jail or workhouse, or placed at labor on any of the public works of the county in which he is convicted and fined, for a length of time not exceeding one day for every one and one-half dollars of said fine. Any dog or dogs used, attempted to be used for or found running, chasing, tracking, trailing or injuring any deer or elk, is hereby declared to be a public nuisance, and it shall be lawful for any person to kill any such dog or dogs.

Mr. Mathers offered the following amendment to said bill, viz.:

Amend S. B. 173, Section 5, line first, strike out "January" and insert "February."

Said amendment was disagreed to.

Mr. L. M. Smith offered the following amendment to said bill, viz.:

Amend Senate Bill 173, by adding after Section 8, as Section 9, the following:

JURISDICTION OF COURTS.

That the county courts and magistrates' courts of the respective counties of this State wherein any of the offenses herein enumerated are committed shall have jurisdiction concurrent with the Circuit Courts to try such offenses and assess fines for the same.

Further amend Senate Bill 173, by changing the number of Section 9 to Section 10.

Said amendment was agreed to.

Mr. McGlone offered the following amendment to said bill, viz.:

Amend Senate Bill 173 by striking out all of Section 5.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading

of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. C. G. Hobbs	A. B. Pieratt
H. F. S. Bailey	A. B. Holland	W. A. Price
Geo. B. Barrett	David J. Howard	J. D. Pumphrey
C. H. Bays	J. M. Howell	Harry P. Purnell
G. G. Brashear	Chas. L. Hunter	Richard Radcliffe
Frank J. Brown	R.B.Hutchcraft,Jr.	D. S. Richardson
E. Bullock	R. B. Jackson	Lewis Ryans
Glover H. Cary	T. R. Jones	Joe Schneider
R. A. Cook	H. Clay Kauffman	L. M. Smith
A. S. Cooper	Wm. J. Kuh	E. D. Smith
S. B. Coleman	W. T. Lasley	Claude B. Smith
W. P. Cropper	M. E. Lee	Adam Spahn
R. T. Crowe	Dr. J. E. Lilly	Thomas Spurrier
H. C. Cummins	Dr. C. W. Mathers	R. C. Tartar
S. C. Dobbs	Jacob Metzger	J. H. Thompson
Jas. R. Dorman	Harry J. Meyers	D. B. Tyra
W. E. Dowling	Claude D. Minor	John S. Webb
William Duffy	G. B. Moores	J. D. Wills
J. R. Durham	John T. Murphy	M. O. Wilson
J. M. Elliston	W. J. McMurray	Louis E. Yewell
W. G. Gooch	C. B. Nichols	E. G. Young
Frank C. Greene	S. Mazyck O'Brien	
J. S. Hall	Geo. L. Pickett	—67

Those who voted in the negative were—

Chas. D. Bratcher	W. H. Jones	John T. Roach
W. H. Brown	W. R. Lyon	Ed. D. Stone
Odie Duncan	E. B. McGlone	Robt. R. Treadway
C. H. Grimes	L. T. Neat	J. W. Wall
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Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill entitled:

S. B. 133. An act for the protection of fish; providing methods for catching thereof and fixing penalties for violation thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Lawful Manner of Taking Fish from the Public Waters of the State.—It shall be unlawful for any person or persons to take, or attempt to take, from any water in the State of Kentucky, except private ponds, any fish except by the use of poles and lines, hand lines, set lines, or trot lines. Any persons catching or attempting to catch fish by any other means whatsoever than by the above mentioned methods shall be guilty of a misdemeanor and upon conviction thereof, before any court of jurisdiction, shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars for each offense.

§ 2. Unlawful Contrivances for the Capture of Fish or Preventing Their Passage in Streams.—It shall be unlawful for any person or persons to catch or attempt to catch any fish in any of the waters of the State, except in private ponds, by the use of a wing net, set net, seine, trap, trammel net,

dip net, or any other kind of a net or contrivance, for the purpose of catching fish, or that will materially hinder the passage of fish in such waters.

Such person or persons catching or attempting to catch fish by any of the above contrivances mentioned in this section shall be guilty of a misdemeanor and upon conviction thereof, before any court of competent jurisdiction, shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars for each offense.

§ 3. Dynamite or Explosive Agent—Penalty for Using.—That any person or persons who shall place, or cause to be placed, in any of the public waters of this State any dynamite, liquid, berries, powder, medicine, or other thing, or explode, or cause to be exploded, dynamite or any other substance whereby fish, great or small, may be sickened, intoxicated or killed, or the water rendered unfit for use, or stench be produced, shall be fined not less than fifty nor more than one hundred dollars for each offense.

§ 4. Shooting of Fish Prohibited.—Any person or persons who shoot into any of the waters of this State with a gun or pistol, loaded with a common lead, steel or copper jacket ball, or any other substance, or with a bow and arrow, or similar device, for the purpose of killing, injuring or catching fish, shall be guilty of a misdemeanor and upon conviction, before any court having jurisdiction, shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars for each offense.

§ 5. Illegal Devices or Contrivances for Killing or Injuring Fish.—Any person or persons who take or attempt to take from any of the waters of the State, except private ponds, any fish with a gig or spear, or by fishing under the rock, groping, grabbing, or tickling, or catching in any man-

ner with the hands unless said fish shall be first caught by hook and line, trot line, hand line, or set line, shall be guilty of a misdemeanor, and on conviction, before any court having jurisdiction, shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars.

§ 6. To Prevent the Killing of Fish by Use of Sledge or Similar Device.—That it shall be unlawful for any person or persons to kill, injure, shock, or stun, in any manner, any fish by striking upon the rock or ice, and any person so doing by any of the above mentioned methods shall be guilty of a misdemeanor and shall be fined upon conviction thereof, before any court of competent jurisdiction, not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars for each offense.

§ 7. Lawful Manner of Catching Bait to be Used for Fishing Purposes.—Any person or persons may take from any of the public waters of this State minnows to be used for bait for fishing with pole and line, hand lines, set lines, trot lines; provided, however, if any fish are caught when seining for bait, it will be a misdemeanor if such fish are not, without injury, immediately returned to the water from which taken, and upon conviction thereof, before any court having jurisdiction, shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars for each offense.

§ 8. Charge to Jury.—It shall be the duty of the judge in all Circuit Courts of the respective counties of the State to give this act specially in charge to each grand jury in said court, and it shall also be the duty of all judges holding courts of inquiry to give this and all other acts for the protection of game and fish specially in charge to each jury of Circuit Courts.

§ 9. Local and State Laws Released.—All laws and parts of laws general, special, or local, in conflict with the provisions of this act as to the fish laws of this State are repealed in so far as they so conflict herewith.

Mr. Cooper offered the following amendment to said bill, viz.:

Amend Senate Bill 133 by striking out all of Section 2 after the word "person," in line 2, and substituting therefor the following, "except Quincy Ward and Cash Shaw and J. M. Johnson for a period of five years."

Said amendment was ruled out of order.

Mr. L. M. Smith offered the following amendment to said bill, viz.:

Amend Senate Bill 133, by adding after Section 8 as Section 9, the following:

JURISDICTION OF COURTS.

That the county courts and magistrates' courts of the respective counties of this State wherein any of the offenses herein enumerated are committed shall have jurisdiction concurrent with the Circuit Courts to try such offenses and assess fines for the same.

Further amend Senate Bill 133, by changing the number of Section 9 to Section 10.

Said amendment was agreed to.

Mr. Bailey offered the following amendment to said bill, viz.:

Amend Senate Bill 133 by inserting between the words "lines" and "any" in the fourth line of Section 1, thereof the following words: "Or by sein not to exceed twenty-five feet in length, said sein to have two-inch mesh."

Said amendment was disagreed to.

Mr. Johnson offered the following amendment to said bill, viz.:

Amend Senate Bill No. 133 in the House as printed by adding at the end of line 6 in Section 2, the following:

Provided, that nothing in this act or any other law shall prohibit the use of hoop net not exceeding five feet in diameter at the mouth with a mesh not less than one and one-half inches, for the purpose of catching fish in any river, a part of which is in this State and a part in another State, provided such river is navigable for at least fifty miles in the State of Kentucky, and navigable for at least one hundred miles in any other State from which such river may flow into and through this State.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays beng taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. C. G. Hobbs	J. D. Pumphrey
Geo. B. Barrett	R.B.Hutchcraft,Jr.	Harry P. Purnell
C. H. Bays	R. B. Jackson	D. S. Richardson
G. G. Brashear	H. Clay Kauffman	Lewis Ryans
E. Bullock	Wm. J. Kuh	Joe Schneider
Glover H. Cary	W. T. Lasley	L. M. Smith
R. A. Cook	Dr. J. E. Lilly	E. D. Smith
A. S. Cooper	Dr. C. W. Mathers	Claude B. Smith
S. B. Coleman	Jacob Metzger	Adam Spahn
W. P. Cropper	Harry J. Meyers	Thomas Spurrier
R. T. Crowe	Claude D. Minor	Ed. D. Stone
James S. Cruse	G. B. Moores	R. C. Tartar
H. C. Cummins	John T. Murphy	J. H. Thompson
S. C. Dobbs	B. F. McAtee	Robt. R. Treadway
Jas. R. Dorman	W. J. McMurray	F. C. Trivette
Thomas A. Dover	C. B. Nichols	J. Wood Vance
W. E. Dowling	S. Mazyck O'Brien	J. W. Wall
William Duffy	A. J. Oliver	John S. Webb
J. M. Elliston	William A. Perry	J. D. Wills
W. G. Gooch	Geo. L. Pickett	M. O. Wilson
Frank C. Greene	A. B. Pieratt	Louis E. Yewell
J. S. Hall	W. A. Price	E. G. Young

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Those who voted in the negative were—

H. F. S. Bailey	W. B. Harvey	M. E. Lee
Chas. D. Bratcher	A. B. Holland	W. R. Lyon
Frank J. Brown	David J. Howard	E. B. McGlone
W. H. Brown	J. M. Howell	L. T. Neat
Odie Duncan	J. M. Johnson	John T. Roach
T. T. Gardner	T. R. Jones	John W. Snider
C. H. Grimes	W. H. Jones	Frank M. White

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Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in the House of the following title, viz.:

H. B. 156. An act authorizing J. W. Ray to sue the State of Kentucky.

Also a message from the Senate announcing that they had refused to concur in a resolution which originated in the House of the following title, viz.:

H. Res. 22. Resolution making the salary of the clerks of the House of Representative and the Senate the same as members of the General Assembly.

A message was received from the Senate in writing, which is as follows, viz.:

IN SENATE.

March 13, 1916.

To House of Representatives:

The Senate is organized as a high court of impeachment and will meet in the Senate chamber on the 10th day of April at 12 noon, to hear the impeachment proceedings preferred by this honorable body against J. E. Williams, county judge of McCreary county, Kentucky; the Committee of the House of Representatives is requested then to be present, to present said cause on the part of the Commonwealth. Said committee is further requested to present to the chief clerk

of the Senate the names of such witnesses, books or records as it may desire to have presenting said cause.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 134. An act amending an act entitled, "An act for the protection of game and fish."

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amend Section 25 by striking out the following words, beginning with "of" in the 11th line and ending with the words "dollars" in the 12th line, and substituting therefor the words "seven dollars and fifty cents ($7.50)," so that said section when amended shall read as follows:

Section 25. Non-Resident or Alien Hunter's License—How Obtained.—Any non-resident or alien of this State, or person who has not been a resident of this State for one year, may procure a license for hunting by filing his or her affidavit with the county clerk of any county in this State, stating his or her age, place of residence, postoffice address, height, color, color of his or her eyes and hair, and the fact whether he or she can write his or her name, and by paying to said county clerk the sum of seven dollars and fifty cents ($7.50) which license shall entitle him or her to hunt in all the counties of this State, after receiving the permission of the owner or agent of the land.

Amend Section 30 by striking out in the 4th line the word "May" and inserting in lieu thereof the word "January," and by striking out the word "December" in line 7,

between the words "of" and "in" in line 7, substituting in lieu thereof the word "January," so that said section as amended shall read as follows:

Section 30. License Delivered to and Returned by County Clerks.—The Game and Fish Commission shall deliver to each county clerk in the State ten days before the first day of January in each year as many licenses as may be required and shall charge said clerk with the number issued to him. On the fifteenth day of January in each year and within ten days thereafter each county clerk shall return to the commission all unused licenses and stubs of licenses used.

Amend Section 34 by striking out the word "fifty" after the word "than" and before the word "nor" in the seventh line, and inserting in lieu thereof the word "fifteen," and by striking out the word "two" in line seven between the words "than" and "hundred," and substituting in lieu thereof the word "one." Further amend Section 34 by striking out all of the words beginning with "and" in the thirteenth line and ending with "theirs" in the fourteenth line, so that said section as amended shall read as follows:

Section 34. Hunting Without License Prohibited.—Any person who hunts in this State without first obtaining a license, permitting him or her to do so, or any person who lends or transfers his or her hunting license to another, upon conviction, shall be punished by a fine of not less than fifteen nor more than one hundred ($100.00) dollars, to which may be added imprisonment in the county jail for any period not exceeding thirty days, but any resident owner, landlord or tenant and members of their families may hunt upon their own lands or leasehold in season without obtaining a hunting license as hereinbefore provided.

Amend Section 36 by adding the following words after the word "conviction" in the eleventh line and before the word "such" in the eleventh line, "In case of conviction a fee of five dollars ($5.00) shall be assessed as costs and it shall be the duty of the trial judge to collect this sum from the defendant and pay it to the person securing the apprehension and conviction of the parties convicted for violation of the game and fish laws," so that said section when amended shall read as follows:

Section 36. Fines and Penalties—Distribution of.—After payment of the percentage of fines allowed by the law to other public officers, one-half of the remainder of all fines, forfeitures and penalties collected under this act or any other law of this State, relating to fish and game, shall be paid to the executive agent, warden, or other persons appointed by the commission, sheriff, or his deputy, constable, or his deputy, or peace officer, securing the apprehension or conviction. In case of conviction a fee of five dollars ($5.00) shall be assessed as costs and it shall be the duty of the trial judge to collect this sum from the defendant and pay it to the person securing the apprehension and conviction of the parties convicted for violation of the game and fish laws. Such money shall be paid by the court collecting the same and the remainder shall be forwarded to the State Treasurer and credited to the fish and game commission fund.

Mr. Stone offered the following amendment to said bill, viz.:

Amend S. B. 134 by striking out the words "seven dollars and fifty cents" wherever they occur and inserting the words "fifteen dollars" therefor.

Said amendment was disagreed to.

Mr. Bratcher offered the following amendment to said bill, viz.:

Amend Senate Bill 134 by striking out the words and figures "($7.50) seven dollars and fifty cents" in lines 3 and 4, and inserting in lieu therefor the words and figures "twenty-five dollars ($25.00)," also in line 12.

Said amendment was disagreed to.

Mr. Johnson offered the following amendment to said bill, viz.:

Amend section 34, Senate Bill 134, by striking out the rest of the section after the word "lands" in line sixteen, and inserting in lieu thereof "and adjoining land."

Said amendment was disagreed to.

Mr. Cooper moved that Senate Bill 134 and all amendments be laid on the table.

The yeas and nays being called for on said motion to table by Messrs. Bailey and Gardner, were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	A. B. Holland	L. T. Neat
Chas. D. Bratcher	J. M. Howell	Richard Radcliffe
Frank J. Brown	J. M. Johnson	John T. Roach
Odie Duncan	T. R. Jones	Claude B. Smith
T. T. Gardner	W. H. Jones	John W. Snider
C. H. Grimes	M. E. Lee	Ed. D. Stone
J. S. Hall	W. R. Lyon	Frank M. White
W. B. Harvey	E. B. McGlone	Louis E. Yewell

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Those who voted in the negative were—

Peter Ampler	R.B.Hutchcraft,Jr.	Geo. L. Pickett
Geo. B. Barrett	R. B. Jackson	A. B. Pieratt
G. G. Brashear	H. Clay Kauffman	W. A. Price
E. Bullock	Wm. J. Kuh	J. D. Pumphrey
Henry A. Cannon	W. T. Lasley	Harry P. Purnell
Glover H. Cary	Dr. J. E. Lilly	D. S. Richardson
R. A. Cook	Dr. C. W. Mathers	Lewis Ryans
A. S. Cooper	Jacob Metzger	Joe Schneider
S. B. Coleman	Harry J. Meyers	L. M. Smith
R. T. Crowe	Claude D. Minor	Adam Spahn
James S. Cruse	G. B. Moores	Thomas Spurrier
Jas. R. Dorman	John T. Murphy	R. C. Tartar
W. E. Dowling	B. F. McAtee	J. Wood Vance
William Duffy	W. J. McMurray	John S. Webb
W. G. Gooch	C. B. Nichols	J. D. Wills
Frank C. Greene	S. Mazyck O'Brien	M. O. Wilson
W. C. G. Hobbs	A. J. Oliver	E. G. Young
David J. Howard	William A. Perry	—53

And so said motion was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	E. Bullock	W. P. Cropper
Geo. B. Barrett	Henry A. Cannon	R. T. Crowe
C. H. Bays	Glover H. Cary	James S. Cruse
G. G. Brashear	S. B. Coleman	Jas. R. Dorman

Thomas A. Dover	Harry J. Meyers	W. A. Price
William Duffy	Claude D. Minor	J. D. Pumphrey
W. C. G. Hobbs	G. B. Moores	D. S. Richardson
J. M. Howell	John T. Murphy	Lewis Ryans
R.B.Hutchcraft,Jr.	B. F. McAtee	Joe Schneider
R. B. Jackson	W. J. McMurray	L. M. Smith
H. Clay Kauffman	C. B. Nichols	Adam Spahn
Wm. J. Kuh	S. Mazyck O'Brien	Thomas Spurrier
Dr. J. E. Lilly	A. J. Oliver	F. C. Trivette
Dr. C. W. Mathers	William A. Perry	J. D. Wills
Jacob Metzger	Geo. L. Pickett	E. G. Young

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Those who voted in the negative were—

H. F. S. Bailey	A. B. Holland	E. D. Smith
Chas. D. Bratcher	David J. Howard	Claude B. Smith
Frank J. Brown	Chas. L. Hunter	John W. Snider
W. H. Brown	J. M. Johnson	Ed. D. Stone
A. S. Cooper	T. R. Jones	R. C. Tartar
H. C. Cummins	W. H. Jones	Robt. R. Treadway
S. C. Dobbs	W. T. Lasley	D. B. Tyra
Odie Duncan	M. E. Lee	J. Wood Vance
J. R. Durham	S. Montgomery	J. W. Wall
T. T. Gardner	E. B. McGlone	John S. Webb
W. G. Gooch	L. T. Neat	Frank M. White
Frank C. Greene	A. B. Pieratt	M. O. Wilson
C. H. Grimes	Harry P. Purnell	Louis E. Yewell
J. S. Hall	Richard Radcliffe	
W. B. Harvey	John T. Roach	

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Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Duncan moved that the session be extended indefinitely.

Said motion was agreed to.

A message was received from the Governor announcing that he had signed and approved a bill which had originated in the House of Representatives of the following title, viz.:

H. B. 158. An act to amend and re-enact section four thousand two hundred and three, Kentucky Statutes, relating to the granting of license to persons to retail intoxicating liquors; and to regulate the issue of license for the purpose of retailing spirituous, vinous and malt liquors, and to require the location and description of the place for which such license is valid and to forbid the use of blinds or screens for such places during such hours and days as liquors may not be sold, and providing for the forfeiture of such license, and for the prosecution of certain officials for failure to discharge duties imposed upon them.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 47. An act providing for the payment of claims arising from loss on account of the slaughter of animals having the foot-and-mouth disease and making an appropriation therefor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who was the owner of any cattle slaughtered for the suppression of the foot-and-mouth disease during the years 1914 and 1915 may make out and file

a claim with the Auditor of the Commonwealth of Kentucky for one-half the value of such cattle slaughtered by order of the State or Federal authorities. Said claim shall be duly verified by the claimant, and shall be accompanied by a statement from the State or Federal officer or officers, who had charge of the slaughter of such animals, showing the date on which they were slaughtered, the number, kind and character of such animals, and also accompanied by a statement showing that the Federal government has paid one-half of the cost of slaughtering such animals. When claim is presented to the Auditor thus properly made out, he is hereby authorized and directed to draw his warrant in favor of the party or parties interested in animals slaughtered at the date of such slaughter.

§ 2. The cost of slaughtering such animals shall include the value of the property destroyed and the cost of burial of such animals, and one-half of such claim, if paid by the United States government, shall be included as a part of the claim mentioned in section 1 of this act, and shall be included in the warrant which the Auditor is directed to draw in payment of such claims.

Mr. Bailey offered the following amendment to said bill, viz.:

Amend section one of Senate Bill 47 by striking out all of line four except the first word thereof and the first seven words of line five of section 1 of the printed bill, and insert in lieu thereof the following:

"For one-fourth of the actual value of such cattle so slaughtered, at the time of the slaughter by order of the State or Federal authorities."

Said amendment was disagreed to.

Mr. Bailey offered the following amendment to said bill, viz.:

Amend section two of Senate Bill 47 by striking all of section 2 and inserting in lieu thereof the following:

"Each county in this State is authorized and empowered to pay one-fourth of the actual value of any cattle slaughtered in such county in the years 1914 and 1915 by the authority of the State or Federal authorities on account of the hoof-and-mouth disease, the same to be paid to the owners of such cattle slaughtered after such owner has filed in the office of the clerk of the county court his affidavit showing the number, kind and actual value of such cattle at the time of the slaughter, and the further filing of the affidavits of two reputable housekeepers of the county showing the number, kind and actual value of such cattle so slaughtered and owned."

Said amendment was disagreed to.

Mr. Johnson offered the following amendment to said bill, viz.:

Amend Senate Bill 47 by striking out all of line 4, section 1 and inserting one-tenth of what they were appraised at.

Said amendment was disagreed to.

Mr. Holland offered the following amendment to said bill, viz.:

Amend Senate Bill 47, line 4 of section 1, by striking out the words "one-half" and inserting in lieu thereof the words "one-fourth."

Further amend by adding section 3 which shall read as follows:

§ 3. That the fiscal court may in counties where cattle have been slaughtered as mentioned in this bill, pay one-fourth the value of said cattle.

The yeas and nays being called for on said amendment by Messrs. Gardner and Holland were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	J. M. Johnson	Ed. D. Stone
Chas. D. Bratcher	T. R. Jones	J. H. Thompson
G. G. Brashear	W. T. Lasley	Robt. R. Treadway
W. H. Brown	Dr. C. W. Mathers	J. Wood Vance
Glover H. Cary	G. B. Moores	J. W. Wall
Odie Duncan	L. T. Neat	Frank M. White
T. T. Gardner	Geo. L. Pickett	J. D. Wills
A. B. Holland	John T. Roach	M. O. Wilson
R. B. Jackson	Claude B. Smith	—26

Those who voted in the negative were—

Peter Ampler	William Duffy	Jacob Metzger
Geo. B. Barrett	J. R. Durham	Harry J. Meyers
Frank J. Brown	W. G. Gooch	Claude D. Minor
Henry A. Cannon	Frank C. Greene	S. Montgomery
A. S. Cooper	C. H. Grimes	John T. Murphy
S. B. Coleman	J. S. Hall	B. F. McAtee
W. P. Cropper	W. B. Harvey	E. B. McGlone
R. T. Crowe	W. C. G. Hobbs	W. J. McMurray
James S. Cruse	David J. Howard	C. B. Nichols
H. C. Cummins	J. M. Howell	S. Mazyck O'Brien
S. C. Dobbs	Chas. L. Hunter	William A. Perry
Jas. R. Dorman	R.B.Hutchcraft,Jr.	A. B. Pieratt
Thomas A. Dover	Wm. J. Kuh	W. A. Price
W. E. Dowling	M. E. Lee	J. D. Pumphrey

Harry P. Purnell	L. M. Smith	R. C. Tartar
Richard Radcliffe	E. D. Smith	D. B. Tyra
D. S. Richardson	John W. Snider	John S. Webb
Lewis Ryans	Adam Spahn	Louis E. Yewell
Joe Schneider	Thomas Spurrier	E. G. Young

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And so said amendment was disagreed to.

Mr. Crowe moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	H. C. Cummins	J. S. Hall
Geo. B. Barrett	S. C. Dobbs	W. C. G. Hobbs
Frank J. Brown	Jas. R. Dorman	David J. Howard
Henry A. Cannon	Thomas A. Dover	J. M. Howell
R. A. Cook	W. E. Dowling	Chas. L. Hunter
A. S. Cooper	William Duffy	R.B.Hutchcraft,Jr.
S. B. Coleman	J. R. Durham	Wm. J. Kuh
W. P. Cropper	J. M. Elliston	M. E. Lee
R. T. Crowe	W. G. Gooch	Jacob Metzger
James S. Cruse	Frank C. Greene	Harry J. Meyers

Claude D. Minor	Geo. L. Pickett	John W. Snider
S. Montgomery	A. B. Pieratt	Adam Spahn
G. B. Moores	W. A. Price	Thomas Spurrier
John T. Murphy	J. D. Pumphrey	R. C. Tartar
B. F. McAtee	Harry P. Purnell	F. C. Trivette
E. B. McGlone	Richard Radcliffe	D. B. Tyra
W. J. McMurray	D. S. Richardson	John S. Webb
C. B. Nichols	Lewis Ryans	M. O. Wilson
S. Mazyck O'Brien	Joe Schneider	Louis E. Yewell
A. J. Oliver	L. M. Smith	E. G. Young
William A. Perry	E. D. Smith	—62

Those who voted in the negative were—

H. F. S. Bailey	A. B. Holland	Claude B. Smith
Chas. D. Bratcher	R. B. Jackson	Ed. D. Stone
G. G. Brashear	J. M. Johnson	Robt. R. Treadway
Glover H. Cary	T. R. Jones	J. W. Wall
T. T. Gardner	Dr. C. W. Mathers	J. D. Wills
C. H. Grimes	L. T. Neat	
W. B. Harvey	John T. Roach	—19

Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration a bill of the following title, viz.:

H. B. 129. An act to amend section 965, Kentucky Statutes relating to circuit courts in the Fifth Judicial District.

With Senate amendment thereto.

(For said bill see House Journal of Feb. 10th.)

The Senate amendment proposed to said bill is as follows:

"Amend House Bill 129 by striking out the word 'June' in line eleven and inserting in lieu thereof the word 'July.'"

Mr. Duncan moved that the House concur in said Senate amendment to House Bill 129.

Said motion was agreed to.

Said amendment was concurred in.

The question being taken on the passage of said bill as amended, it was decided in the affirmative.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Thomas A. Dover	Wm. J. Kuh
H. F. S. Bailey	W. E. Dowling	M. E. Lee
Geo. B. Barrett	Odie Duncan	Jacob Metzger
G. G. Brashear	J. R. Durham	Harry J. Meyers
W. H. Brown	W. G. Gooch	Claude D. Minor
Henry A. Cannon	C. H. Grimes	G. B. Moores
Glover H. Cary	J. S. Hall	John T. Murphy
R. A. Cook	W. B. Harvey	B. F. McAtee
A. S. Cooper	W. C. G. Hobbs	W. J. McMurray
S. B. Coleman	A. B. Holland	L. T. Neat
W. P. Cropper	David J. Howard	C. B. Nichols
H. C. Cummins	Chas. L. Hunter	S. Mazyck O'Brien
S. C. Dobbs	R.B.Hutchcraft,Jr.	A. J. Oliver
Jas. R. Dorman	T. R. Jones	Geo. L. Pickett

A. B. Pieratt	E. D. Smith	J. W. Wall
W. A. Price	John W. Snider	John S. Webb
J. D. Pumphrey	Adam Spahn	J. D. Wills
Harry P. Purnell	Ed. D. Stone	Louis E. Yewell
Richard Radcliffe	R. C. Tartar	E. G. Young
D. S. Richardson	Robt. R. Treadway	
Lewis Ryans	D. B. Tyra	—61

Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in House amendments proposed to Senate Bill 294 and that a conference committee had been appointed by the President of the Senate composed of Messrs. Stricklett, Huffaker and Speer to act in conjunction with a similar one to be appointed by the Speaker of the House of Representatives for a conference on said amendment.

Thereupon, the Speaker of the House appointed Messrs. Cary, Pickett and Duncan as the House Conference Committee to act in conjunction with the Senate committee to confer on said House amendments to Senate Bill 294.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 75. An act to amend sections 2740 and 2741 of article 1, chapter 89, of Kentucky Statutes, Carroll's revised edition, 1915, relating to the classification of cities and towns.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2740 of the Kentucky Statutes (Carroll's revised edition, 1915), entitled "Classification of cities and towns," be amended by striking from "the cities of the fourth class" the words "Ashland, Boyd county," and by inserting the said words in the "cities of the third class" after the words "Christian county," so that when amended and re-enacted the said act shall read as follows:

CLASSIFICATION OF CITIES AND TOWNS.

"§ 2740. Six Classes—Provision as to Officers Elected in 1913.—The cities and towns of the Commonwealth are classified as follows, to-wit:

"First class—Louisville, Jefferson county.

"Second class—Lexington, Fayette county; Covington, Kenton county; Newport, Campbell county; Paducah, McCracken county.

"Third class—Owensboro, Daviess county; Henderson, Henderson county; Frankfort, Franklin county; Bowling Green, Warren county; Middlesboro, Bell county; Hopkinsville, Christian county; Ashland, Boyd county.

"Fourth class—Shelbyville, Shelby county; Maysville, Mason county; Richmond, Madison county; Winchester, Clark county; Dayton, Campbell county; Paris, Bourbon county; Catlettsburg, Boyd county; Danville, Boyle county; Mt. Sterling, Montgomery county; Georgetown, Scott county; Versailles, Woodford county; Harrodsburg, Mercer county; Bellevue, Campbell county; Cynthiana, Harrison county; Mayfield, Graves county; Lebanon, Marion county; Ludlow, Kenton county; Nicholasville, Jessamine county; Pineville,

Bell county; Madisonville, Hopkins county; Princeton, Caldwell county; Fulton, Fulton county; Lawrenceburg, Anderson county; Russellville, Logan county; Carrollton, Carroll county; Central City, Muhlenberg county; Corbin, Whitley and Knox counties; Franklin, Simpson county; Barbourville, Knox county; Providence, Webster county; Morganfield, Union county; Pikeville, Pike county, and Somerset, Pulaski county; Murray, Calloway county; Harlan, Harlan county; Elizabethtown, Hardin count; Jackson, Breathitt county; Hazard, Perry county; Highland Park, Jefferson county.

"Fifth class—Lancaster, Garrard county; Cadiz, Trigg county; Grand Rivers, Livingston county; Greenville, Muhlenberg county; Louisa, Lawrence county; Columbus, Hickman county; Glasgow, Barren county; West Covington, Kenton county; Earlington, Hopkins county; Hickman, Fulton county; Cloverport, Breckinridge county; Bardstown, Nelson county; Augusta, Bracken county; Stanford, Lincoln county; Williamsburg, Whitley county; Clinton, Hickman county; Midway, Woodford county; Flemingsburg, Fleming county; Elkton, Todd county; Falmouth, Pendleton county; Vanceburg, Lewis county; Carlisle, Nicholas county; Uniontown, Union county; Campbellsville, Taylor county; Hawesville, Hancock county; Eminence, Henry county; Eddyville, Lyon county; Leitchfield, Grayson county; Owensville, Bath county; Marion, Crittenden county; Sebree City, Webster county; Clay, Webster county; Wickliffe, Ballard county; Morehead, Rowan county; Bardwell, Carlisle county; Sturgis, Union county; Dawson Springs, Hopkins county; Millersburg, Bourbon county; Calhoun, McLean county; Springfield, Washington county; Corydon, Henderson county; Hartford, Ohio county; Morton's Gap, Hopkins county; Livermore, McLean county; Oakdale, Jefferson county; Beattyville, Lee county; Owenton, Owen county; Scottsville, Allen county; Olive Hill, Carter county; Burnside, Pulaski county; Prestonsburg, Floyd county; Warsaw,

Gallatin county; Monticello, Wayne county; Berea, Madison county; Lagrange, Oldham county; Guthrie, Todd county; Clifton, Campbell county; Russell, Greenup county; Houstonville, Lincoln county; and Drakesboro, Muhlenberg county; Tompkinsville, Monroe county; Irvine, Estill county; and Hellier, Pike county."

§ 2741. Sixth Class.—All other incorporated cities and towns not named in this bill shall belong to the sixth class.

Provided, that the officers elected in 1913 and all the officers now serving in the cities above mentioned that are by this act changed from a class other than they are now, shall be continued and remain as the officers in the class to which they are now placed, and shall hold such offices until their successors are elected at the regular November election, 1917.

Mr. Lee offered the following amendment to Senate Bill 75, viz.:

Amend Senate Bill 75 by adding at the end of the printed bill, at the end of line sixty thereof, these words:

"Provided, further, that the part of this act which changes cities from the fourth class to the third class shall not take effect until July 1st, 1917."

Said amendment was agreed to.

Mr. Bullock offered the following amendment to said bill, viz.:

Amend Senate Bill 75 of the printed bill by adding to line 53 after the words "Pike county" in the fifth classification the words "London, of Laurel county." So that said section 2440, when so amended, will read:

CLASSIFICATION OF CITIES AND TOWNS.

§ 2740. Sixth classes—Provision as to officers elected in 1913. The cities and towns of the Commonwealth are classified as follows, to-wit:

First class—Louisville, Jefferson county.

Second class—Lexington, Fayette county; Covington, Kenton county; Newport, Campbell county; Paducah, McCracken county.

Third class—Owensboro, Daviess county; Henderson, Henderson county; Frankfort, Franklin county; Bowling Green, Warren county; Middlesboro, Bell county; Hopkinsville, Christian county; Ashland, Boyd county.

Fourth class—Shelbyville, Shelby county; Maysville, Mason county; Richmond, Madison county; Winchester, Clark county; Dayton, Campbell county; Paris, Bourbon county; Catlettsburg, Boyd county; Danville, Boyle county; Mt. Sterling, Montgomery county; Georgetown, Scott county; Versailles, Woodford county; Harrodsburg, Mercer county; Bellevue, Campbell county; Cynthiana, Harrison county; Mayfield, Graves county; Lebanon, Marion county; Ludlow, Kenton county; Nicholasville, Jessamine county; Pineville, Bell county; Madisonville, Hopkins county; Princeton, Caldwell county; Fulton, Fulton county; Lawrenceburg, Anderson county; Russellville, Logan county; Carrollton, Carroll county; Central City, Muhlenberg county; Corbin, Whitley and Knox counties; Franklin, Simpson county; Barbourville, Knox county; Providence, Webster county; Morganfield, Union county; Pikeville, Pike county, and Somerset, Pulaski county; Murray, Calloway county; Harlan, Harlan county; Elizabethtown, Hardin county; Jackson, Breathitt county; Hazard, Perry county; Highland Park, Jefferson county.

Fifth class—Lancaster, Garrard county; Cadiz, Trigg county; Grand Rivers, Livingston county; Greenville, Muhlenberg county; Louisa, Lawrence county; Columbus, Hickman county; Glasgow, Barren county; West Covington, Kenton county; Earlington, Hopkins county; Hickman, Fulton county; Cloverport, Breckinridge county; Bardstown, Nelson county; Augusta, Bracken county; Stanford, Lincoln county; Williamsburg, Whitley county; Clinton, Hickman county; Midway, Woodford county; Flemingsburg, Fleming county; Elkton, Todd county; Falmouth, Pendleton county; Vanceburg, Lewis county; Carlisle, Nicholas county; Uniontown, Union county; Campbellsville, Taylor county; Hawesville, Hancock county; Eminence, Henry county; Eddyville, Lyon county; Leitchfield, Grayson county; Owensville, Bath county; Marion, Crittenden county; Sebree City, Webster county; Clay, Webster county; Wickliffe, Ballard county; Morehead, Rowan county; Bardwell, Carlisle county; Sturgis, Union county; Dawson Springs, Hopkins county; Millersburg, Bourbon county; Calhoun, McLean county; Springfield, Washington county; Corydon, Henderson county; Hartford, Ohio county; Morton's Gap, Hopkins county; Livermore, McLean county; Oakdale, Jefferson county; Beattyville, Lee county; Owenton, Owen county; Scottsville, Allen county; Olive Hill, Carter county; Burnside, Pulaski county; Prestonburg, Floyd county; Warsaw, Gallatin county; Monticello, Wayne county; Berea, Madison county; Lagrange, Oldham county; Guthrie, Todd county; Clifton, Campbell county; Russell, Greenup county; Houstonville, Lincoln county; and Drakesboro, Muhlenberg county; Tompkinsville, Monroe county; Irvine, Estill county; and Hellier, Pike county; London, of Laurel county.

Said amendment was agreed to.

Mr. McMurray offered the following amendment to said bill, viz.:

Amend Senate Bill 75 as follows:

By striking out the words "Hickman, Fulton county," in line 34, under fifth class cities, and inserting Hickman, Fulton county, in line 30, after the word "county" under the fourth class cities.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. R. Durham	Harry J. Meyers
H. F. S. Bailey	J. M. Elliston	S. Montgomery
G. G. Brashear	W. G. Gooch	G. B. Moores
Frank J. Brown	Frank C. Greene	John T. Murphy
W. H. Brown	C. H. Grimes	B. F. McAtee
E. Bullock	J. S. Hall	W. J. McMurray
Henry A. Cannon	W. C. G. Hobbs	S. Mazyck O'Brien
Glover H. Cary	A. B. Holland	A. J. Oliver
R. A. Cook	David J. Howard	William A. Perry
A. S. Cooper	J. M. Howell	Geo. L. Pickett
S. B. Coleman	Chas. L. Hunter	A. B. Pieratt
W. P. Cropper	R.B.Hutchcraft,Jr.	W. A. Price
H. C. Cummins	T. R. Jones	J. D. Pumphrey
Jas. R. Dorman	Wm. J. Kuh	Harry P. Purnell
Thomas A. Dover	W. T. Lasley	Richard Radcliffe
W. E. Dowling	M. E. Lee	D. S. Richardson
William Duffy	Dr. C. W. Mathers	Lewis Ryans

Joe Schneider	Ed. D. Stone	John S. Webb
E. D. Smith	R. C. Tartar	Frank M. White
Claude B. Smith	Robt. R. Treadway	J. D. Wills
John W. Snider	F. C. Trivette	Louis E. Yewell
Adam Spahn	J. Wood Vance	E. G. Young
Thomas Spurrier	J. W. Wall	—68

Resolved, that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Duncan moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH, 14, 1916.

The House was opened with prayer by the Rev. J. T. McGlothlin, Pastor of the Baptist Church of the city of Frankfort, Kentucky.

The reading of the House Journal of yesterday was dispensed with.

The following bill was introduced, ordered printed, and referred as follows, viz.:

By Mr. J. W. Snider:

H. B. 561. An act appropriating money for the payment of claims of owners of animals who had sustained loss

on account of the slaughter of animals for the suppression of the foot and mouth disease in Kentucky.

To the Committee on Appropriations.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 320. An act to repeal section 596 of Kentucky Statutes (Carroll's 1915 edition) relative to the paying of dividends by banks, and re-enacting said section.

H. B. 146. An act to change the times of holding the regular terms of the circuit courts in the county of Cumberland in the Twenty-ninth Judicial District.

H. B. 378. An act to repeal an act entitled "An act to provide for the erection of School District No. 1, in the town of Hawesville," approved March 28, 1875, and all amendments thereto.

Mr. Greene offered the following resolution, viz.:

Resolution of thanks to Public Printers and Legislative Digest.

Whereas, the 1916 session of the General Assembly is about ready to finally adjourn; and,

Whereas, there have been introduced in the House 561 bills, and in the Senate 364 bills, all of which have been printed and many reprinted with amendments and substitutes; and,

Whereas, the Legislative Digest has presented without serious error each bill by its number and each step taken

thereon, together with the proceedings of the day before, making the Legislative Digest absolutely indispensable; and,

Whereas, both the printed bills and the Digest have been most accurate and have been delivered with wonderful speed, causing no delay and at a very low cost; therefore,

Be it now resolved by the House of Representatives:

That The State Journal Co., Printers to the Commonwealth, and editors of the Legislative Digest, and the State Superintendent of Printing, are deserving of the hearty commendation of the members of this General Assembly and that we do now express our appreciation of their most excellent work.

Mr. Greene moved the adoption of said resolution.

Said motion was agreed to.

Said resolution was adopted.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 293. An act to amend and re-enact chapter 31 of the published Acts of 1910, which is "An act providing and appropriating money for a contingent fund for the use of the Governor of this Commonwealth," and which was approved by the Governor March 19, 1910.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act providing and appro-

priating money for a contingent fund for the use of the Governor of this Commonwealth," which is chapter 31 of the published Acts of 1910, be and the same is hereby amended and re-enacted so as to read as follows:

That there be and is hereby appropriated annually out of any funds of the treasury not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary, for the use of the Governor of this Commonwealth in defraying such necessary contingent expenses as are incident to the office of Chief Executive of the Commonwealth of Kentucky. Said fund so appropriated shall be known as the contingent fund for the use of the Governor, and shall be drawn and used during the calendar year from January first to December thirty-first in each year.

§ 2. Whenever it shall be necessary in the judgment of the Governor to meet an expense such as is indicated in the first paragraph of this act, he shall issue an order to the Auditor of Public Accounts for the amount required, and the Auditor of Public Accounts shall thereupon issue a warrant in favor of the Governor for the amount indicated in said order.

§ 3. This act shall not be construed as increasing said annual appropriation, or so as to permit the payment of any amount greater than was authorized under chapter 31 of the Acts of 1910.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	A. B. Holland	A. J. Oliver
Geo. B. Barrett	David J. Howard	Geo. L. Pickett
C. H. Bays	J. M. Howell	A. B. Pieratt
W. H. Brown	Chas. L. Hunter	W. A. Price
Henry A. Cannon	R.B.Hutchcraft,Jr.	J. D. Pumphrey
Glover H. Cary	T. R. Jones	Harry P. Purnell
R. A. Cook	W. H. Jones	Richard Radcliffe
A. S. Cooper	H. Clay Kauffman	D. S. Richardson
W. P. Cropper	Wm. J. Kuh	John T. Roach
R. T. Crowe	W. T. Lasley	Joe Schneider
James S. Cruse	M. E. Lee	L. M. Smith
H. C. Cummins	Dr. J. E. Lilly	E. D. Smith
S. C. Dobbs	Dr. C. W. Mathers	Claude B. Smith
Jas. R. Dorman	Jacob Metzger	Adam Spahn
W. E. Dowling	Claude D. Minor	R. C. Tartar
William Duffy	G. B. Moores	D. B. Tyra
J. R. Durham	John T. Murphy	J. Wood Vance
J. M. Elliston	B. F. McAtee	John S. Webb
T. T. Gardner	E. B. McGlone	W. M. Webb
W. G. Gooch	W. J. McMurray	J. D. Wills
Frank C. Greene	L. T. Neat	Louis E. Yewell
C. H. Grimes	C. B. Nichols	E. G. Young
W. C. G. Hobbs	S. Mazyck O'Brien	—68

Those who voted in the negative were—

G. G. Brashear	J. M. Johnson	Ed. D. Stone
W. B. Harvey		—4

Resolved, that the title thereof be as aforesaid.

Mr. Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 314. An act to amend an act entitled "An act to amend section 4645a of the Kentucky Statutes (Carroll's edition 1909) increasing the salary of the stenographer to the Governor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled "An act to amend section 4645a of the Kentucky Statutes (Carroll's edition 1909), increasing the salary of the stenographer to the Governor," be amended by adding after the word "stenographer" and before the word "for" the words "or clerk or aide," so that said section when amended shall read as follows:

"Section 4645a. Stenographer for Governor. That the Governor of the Commonwealth of Kentucky is hereby empowered to employ a stenographer or clerk or aide for his own use, at a salary of not exceeding fifteen hundred dollars ($1,500.00) per annum, payable monthly in installments of one hundred and twenty-five dollars each out of the treasury of the State, upon the warrant of the Auditor of Public Accounts. Said stenographer or clerk or aide shall be subject to removal at the pleasure of the Governor."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	A. B. Holland	Geo. L. Pickett
Geo. B. Barrett	Chas. L. Hunter	W. A. Price
C. H. Bays	R.B.Hutchcraft,Jr.	J. D. Pumphrey
Frank J. Brown	T. R. Jones	Richard Radcliffe
W. H. Brown	Wm. J. Kuh	John T. Roach
R. A. Cook	Dr. J. E. Lilly	Lewis Ryans
W. P. Cropper	Dr. C. W. Mathers	Joe Schneider
R. T. Crowe	Harry J. Meyers	L. M. Smith
James S. Cruse	Claude D. Minor	E. D. Smith
S. C. Dobbs	S. Montgomery	Claude B. Smith
Jas. R. Dorman	John T. Murphy	John W. Snider
W. E. Dowling	B. F. McAtee	Adam Spahn
William Duffy	E. B. McGlone	D. B. Tyra
J. R. Durham	L. T. Neat	J. Wood Vance
T. T. Gardner	C. B. Nichols	John S. Webb
W. G. Gooch	S. Mazyck O'Brien	Louis E. Yewell
W. C. G. Hobbs	William A. Perry	E. G. Young

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Those who voted in the negative were—

G. G. Brashear	W. B. Harvey	Ed. D. Stone
E. Bullock	David J. Howard	J. W. Wall
H. C. Cummins	J. M. Johnson	Frank M. White
L. L. Embrey	W. H. Jones	J. D. Wills
Wm. Gearheart	H. Clay Kauffman	M. O. Wilson
Frank C. Greene	A. B. Pieratt	
C. H. Grimes	Thomas Spurrier	

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Resolved, that the title thereof be as aforesaid.

Mr. Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 307. An act to permit all graded common school districts to levy twenty-five cents on each one hundred dollars' worth of property in such district in addition to the amount that may be now levied, for the purpose of maintaining the school and erecting and repairing buildings.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The trustees in any graded school district in this State when it is deemed necessary to raise an amount above that which may be raised by a levy of fifty cents on each one hundred dollars' worth of taxable property and one dollar and fifty cents poll, may levy an additional tax not to exceed twenty-five cents on each one hundred dollars' worth of taxable property in the district, for the purpose of maintaining the school and erecting and repairing buildings. Such tax may be levied at any time before the close of the fiscal year in which the last county assessment shall have been made, and a record of such levy shall be entered on the records of said trustees, and show the amount thereof and the number of years for which same is to run, and shall be collected in the same manner as other taxes in graded school districts.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Wm. Gearheart	S. Mazyck O'Brien
Geo. B. Barrett	W. G. Gooch	A. J. Oliver
C. H. Bays	C. H. Grimes	William A. Perry
Chas. D. Bratcher	J. S. Hall	W. A. Price
G. G. Brashear	W. B. Harvey	J. D. Pumphrey
Frank J. Brown	W. C. G. Hobbs	Harry P. Purnell
W. H. Brown	A. B. Holland	Richard Radcliffe
E. Bullock	David J. Howard	John T. Roach
Henry A. Cannon	R. B. Jackson	Lewis Ryans
Glover H. Cary	W. H. Jones	L. M. Smith
R. A. Cook	Wm. J. Kuh	E. D. Smith
A. S. Cooper	M. E. Lee	Claude B. Smith
W. P. Cropper	Dr. J. E. Lilly	John W. Snider
R. T. Crowe	Dr. C. W. Mathers	Thomas Spurrier
James S. Cruse	Jacob Metzger	Ed. D. Stone
H. C. Cummins	Harry J. Meyers	R. C. Tartar
S. C. Dobbs	Claude D. Minor	Robt. R. Treadway
Jas. R. Dorman	S. Montgomery	F. C. Trivette
Thomas A. Dover	G. B. Moores	D. B. Tyra
W. E. Dowling	John T. Murphy	J. W. Wall
William Duffy	B. F. McAtee	John S. Webb
J. R. Durham	E. B. McGlone	Frank M. White
L. L. Embrey	L. T. Neat	M. O. Wilson
T. T. Gardner	C. B. Nichols	E. G. Young

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Those who voted in the negative were—

H. Clay Kauffman	A. B. Pieratt	J. D. Wills

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Resolved, that the title thereof be as aforesaid.

Mr. Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. William Duffy, of the Committee on Rules, called up for consideration from the Clerk's desk a resolution of the following title, viz.:

H. Res. 21. A resolution for the benefit of Bernard Wells.

(For said resolution see House Journal of March 9th.)

Mr. W. M. Webb moved that said resolution be adopted.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. R. Durham	W. H. Jones
Geo. B. Barrett	J. M. Elliston	Wm. J. Kuh
C. H. Bays	L. L. Embrey	Dr. J. E. Lilly
Chas. D. Bratcher	T. T. Gardner	Dr. C. W. Mathews
G. G. Brashear	Wm. Gearheart	Jacob Metzger
W. H. Brown	W. G. Gooch	Harry J. Meyers
Henry A. Cannon	Frank C. Greene	G. B. Moores
R. A. Cook	C. H. Grimes	John T. Murphy
A. S. Cooper	J. S. Hall	E. B. McGlone
W. P. Cropper	W. C. G. Hobbs	W. J. McMurray
R. T. Crowe	David J. Howard	L. T. Neat
James S. Cruse	J. M. Howell	C. B. Nichols
S. C. Dobbs	Chas. L. Hunter	S. Mazyck O'Brien
Jas. R. Dorman	R. B. Jackson	A. J. Oliver
W. E. Dowling	J. M. Johnson	William A. Perry
William Duffy	T. R. Jones	Geo. L. Pickett

A. B. Picratt	E. D. Smith	J. W. Wall
W. A. Price	Claude B. Smith	John S. Webb
J. D. Pumphrey	Adam Spahn	W. M. Webb
Richard Radcliffe	Thomas Spurrier	Frank M. White
D. S. Richardson	Ed. D. Stone	Louis E. Yewell
John T. Roach	Robt. R. Treadway	E. G. Young
Joe Schneider	D. B. Tyra	
L. M. Smith	J. Wood Vance	—70

And so said resolution was adopted.

Mr. William Duffy moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. William Duffy, of the Committee on Rules, called up for consideration from the Clerk's desk a resolution of the following title, viz.:

H. Res. 14. Resolution for the benefit of Verda M. Wiggins-Henderson.

(For said resolution see House Journal of February the 15th.)

Mr. William Duffy moved the adoption of said resolution.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Geo. B. Barrett	G. G. Brashear
H. F. S. Bailey	C. H. Bays	Frank J. Brown

E. Bullock	W. C. G. Hobbs	A. B. Pieratt
Henry A. Cannon	A. B. Holland	W. A. Price
R. A. Cook	David J. Howard	J. D. Pumphrey
A. S. Cooper	J. M. Howell	Richard Radcliffe
W. P. Cropper	R. B. Jackson	John T. Roach
R. T. Crowe	T. R. Jones	Joe Schneider
James S. Cruse	W. H. Jones	L. M. Smith
H. C. Cummins	Wm. J. Kuh	E. D. Smith
S. C. Dobbs	Dr. J. E. Lilly	Claude B. Smith
Jas. R. Dorman	Dr. C. W. Mathers	John W. Snider
Thomas A. Dover	Jacob Metzger	Adam Spahr
W. E. Dowling	Harry J. Meyers	Ed. D. Stone
William Duffy	Claude D. Minor	R. C. Tartar
J. R. Durham	G. B. Moores	Robt. R. Treadway
J. M. Elliston	John T. Murphy	D. B. Tyra
L. L. Embrey	B. F. McAtee	John S. Webb
T. T. Gardner	E. B. McGlone	W. M. Webb
Wm. Gearheart	W. J. McMurray	Frank M. White
W. G. Gooch	L. T. Neat	J. D. Wills
C. H. Grimes	C. B. Nichols	E. G. Young
J. S. Hall	S. Mazyck O'Brien	
W. B. Harvey	William A. Perry	—70

And so said resolution was adopted.

Mr. William Duffy moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. William Duffy moved that the session be extended indefinitely.

Said motion was agreed to.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 129. An act changing the time of holding circuit court in the Fifth Judicial District.

H. B. 326. An act providing a stenographer in the county attorney's office in counties containing a city of the first class.

H. B. 260. An act for the benefit of graded schools under special charters and having an endowment fund.

H. B. 295. An act to amend section one of an act entitled "An act authorizing corporations organized or empowered to construct a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, using, distributing and selling water power, electricity or electrical energy, to exercise the right of eminent domain," approved March 4, 1908, and being subsection 1 of section 1599b of Carroll's Kentucky Statutes, 1915, so that when so amended said act will authorize all corporations heretofore or hereafter authorized under the laws of this State to conduct the business of producing and supplying electricity for purposes of light, heat or power, and which shall be engaged, or shall hereafter desire to engage in the business of the transmission of such electricity, to exercise the power of eminent domain.

Whereupon, all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House, affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 294. An act to amend section 1 of an act entitled "An act to authorize, under certain conditions and restrictions, the use of public highways, roads and turnpikes by persons, firms or corporations engaged in the business of producing and supplying by water power, electricity for lighting, heating and power purposes," approved March 17, 1908, and being subsection 1 of section 1599c of Carroll's Kentucky Statutes, 1915, so that when so amended said act will authorize all persons, firms or corporations engaged in the business of producing and supplying electricity for lighting heating or power purposes, to use the public highways, roads and turnpikes, under certain conditions and restrictions, and giving to such persons, firms or corporations the authority to exercise the power of eminent domain for such purposes.

H. B. 374. An act to regulate the time of holding the terms of circuit court in the Thirteenth Judicial District and the length of terms and declaring an emergency.

H. B. 411. An act to amend section 490 of the Civil

Code of Practice concerning the sale of real property and authorizing the confirmation of sales heretofore made.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 401. An act to regulate the licensing of vehicles operating between two or more municipalities within the Commonwealth of Kentucky.

H. B. 222. An act to amend and re-enact section 4692 of Kentucky Statutes, edition of 1915, relating to State depositories.

H. B. 179. An act to amend an act entitled: "An act creating boards of education for cities of the second class, providing for the election thereof, defining their powers and duties, and repealing all laws in conflict therewith." (Passed and approved by the General Assembly of the Commonwealth of Kentucky and approved by the Governor on the 19th day of March, 1912, being chapter 137 of the Acts of 1912.)

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

A message was received from the Senate announcing that they had passed a bill which originated in the House of the following title, viz.:

H. B. 50. An act authorizing the board of election commissioners in counties having cities of the first class to

employ assistant stenographers, and clerks, to aid in the tabulation of the vote at each election, and authorizing the fiscal court of the county to pay such employes.

With an amendment thereto.

Mr. William Duffy moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

AFTERNOON SESSION.

At 2 o'clock the House reconvened.

The House took up for consideration from the orders of the day a resolution of the following title, viz.:

S. Res. 9. Resolution paying B. M. Herschburg for services.

(For said resolution see House Journal of February 15th.)

Mr. Kauffman moved the adoption of said resolution.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Glover H. Cary	R. T. Crowe
Geo. B. Barrett	R. A. Cook	James S. Cruse
G. G. Brashear	S. B. Coleman	William Duffy
W. H. Brown	W. P. Cropper	J. M. Elliston

Frank C. Greene	Harry J. Meyers	D. S. Richardson
C. H. Grimes	Claude D. Minor	John T. Roach
J. S. Hall	S. Montgomery	John W. Snider
W. C. G. Hobbs	G. B. Moores	Adam Spahn
A. B. Holland	John T. Murphy	Ed. D. Stone
David J. Howard	B. F. McAtee	R. C. Tartar
J. M. Howell	E. B. McGlone	Robt. R. Treadway
T. R. Jones	W. J. McMurray	D. B. Tyra
W. H. Jones	L. T. Neat	J. W. Wall
H. Clay Kauffman	C. B. Nichols	John S. Webb
Wm. J. Kuh	S. Mazyck O'Brien	W. M. Webb
M. E. Lee	A. J. Oliver	Louis E. Yewell
Dr. J. E. Lilly	William A. Perry	E. G. Young
W. R. Lyon	A. B. Pieratt	
Dr. C. W. Mathers	W. A. Price	—55

And so said resolution was adopted.

Mr. William Duffy moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. William Duffy, of the Committee on Rules, called up for consideration from the orders of the day a bill of the following title, viz.:

S. B. 130. An act for the benefit of the Kentucky Institution for the Education of the Blind to provide for the education, training and employment of the blind of the Commonwealth.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 299 of Carroll's Statutes for 1915, which reads as follows: "That the school heretofore established and known as the Kentucky Institution for the Education of the Blind, shall be and continue as a corporation under that name and style."

That said section be amended so as to read as follows:

"That the name of the institution heretofore known as the Kentucky Institution for the Education of the Blind, shall be changed, and hereafter it shall be known as the Kentucky School for the Blind."

§ 2. That the sum of $20,000.00 be and the same is hereby appropriated for the installation of a new heating plant, the equipment of a modern laundry, other necessary repairs and to provide for the training and employment of the adult blind in an industrial workshop.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	E. Bullock	R. T. Crowe
Geo. B. Barrett	Glover H. Cary	James S. Cruse
C. H. Bays	R. A. Cook	H. C. Cummins
Chas. D. Bratcher	A. S. Cooper	S. C. Dobbs
Frank J. Brown	S. B. Coleman	Thomas A. Dover
W. H. Brown	W. P. Cropper	W. E. Dowling

William Duffy	Wm. J. Kuh	A. B. Pieratt
J. R. Durham	Dr. J. E. Lilly	W. A. Price
J. M. Elliston	Dr. C. W. Mathers	Harry P. Purnell
T. T. Gardner	Jacob Metzger	D. S. Richardson
C. H. Grimes	Harry J. Meyers	John T. Roach
J. S. Hall	Claude D. Minor	John W. Snider
W. C. G. Hobbs	S. Montgomery	Adam Spahn
A. B. Holland	G. B. Moores	Ed. D. Stone
David J. Howard	John T. Murphy	R. C. Tartar
J. M. Howell	B. F. McAtee	J. W. Wall
Chas. L. Hunter	E. B. McGlone	John S. Webb
R.B.Hutchcraft,Jr.	W. J. McMurray	W. M. Webb
R. B. Jackson	L. T. Neat	Frank M. White
J. M. Johnson	C. B. Nichols	J. D. Wills
T. R. Jones	S. Mazyck O'Brien	M. O. Wilson
W. H. Jones	A. J. Oliver	Louis E. Yewell
H. Clay Kauffman	William A. Perry	E. G. Young

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There voted in the negative—

Claude B. Smith —1

Mr. Mathers offered the following amendment to the title of said bill, viz.:

An act for the benefit of the Kentucky Institution for the Education of the Blind; to provide for the education, training and employment of the blind of the Commonwealth; to change the name and to make appropriation for heating plant, steam laundry and other necessary repairs.

Said amendment was agreed to.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 160. An act providing for the securing of a separate farm for a House of Reform for Girls, and providing for the management thereof.

Said bill reads as follows:

Whereas, there is now a House of Reform at Greendale, Kentucky, owned and operated by the State as a Home of Reform for both boys and girls, which necessitates a large amount of restriction upon the girls, which would not be necessary if there were separate institutions for the two sexes, and which restriction operates to greatly retard the work of reform among the girls; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

as follows, to-wit:

§ 1. Immediately upon the taking effect of this act, the Governor shall appoint a board consisting of two men and three women, who shall proceed to acquire by donation or lease, subject to the Governor's approval, a farm suitable for a separate House of Reform for Girls and located not less than ten miles from the present School of Reform at Greendale. No person shall be eligible to serve as a member of said board who is an officer or connected with the management of any other public institution of the State. The Governor shall appoint one member of said Board of Managers to serve for two years, two for three years, and two for four years, and upon the expiration of the term of any member of said board, the successor shall be appointed for a term

of four years. All vacancies in said board shall be filled by appointment by the Governor; and the person appointed to fill a vacancy shall hold office for the unexpired portion of the term in which the vacancy occurs. The members of the Board of Managers shall receive no compensation for their services, but after the establishment of said institution their actual and necessary expenses while in discharge of their official duties connected with the institution shall be paid as other expenses of the institution are paid. Said board appointed as herein provided shall, immediately upon appointment, enter upon the performance of its duties; and shall make annual reports to the Governor of its actions and the condition of said institution.

§ 2. As soon as said institution shall be ready to receive inmates, subject to the Governor's approval, the girls theretofore committed, and who shall be then in the existing House of Reform at Greendale, shall be transferred to the new House of Reform for Girls; and thereafter the said institution at Greendale shall be known as the House of Reform for Boys, to which boys shall be committed, while to the House of Reform for Girls there shall be committed only girls. But until the House of Reform for Girls is ready to receive inmates, the present institution at Greendale shall continue to receive and care for both boys and girls.

§ 3. The board of managers of the aforesaid institution shall elect a chairman and a secretary thereof, and shall keep a record of its proceedings. It shall adopt by-laws for the government of the institution, which shall be conducted as a vocational training school, along the lines which shall fit the girls for self-sustaining womanhood. When the institution is ready to receive girls, the board shall appoint a superintendent, who shall be a woman of character and ability, specially trained for such work. Such superintendent shall, at any time, be removable by the board of managers for any reason deemed sufficient by the board; and the com-

pensation of the superintendent shall be fixed by the board and approved by the Governor. Said superintendent, before entering upon the duties of the office, shall execute a bond to the State of Kentucky in the sum of five thousand dollars, conditioned upon the faithful performance of the duties of the office. The superintendent shall reside at the institution and have charge, subject to the control of the board of managers, of all the property and inmates of the institution, and shall account to the board as it may require.

§ 4. Subject to the qualifications hereinafter made, any county or juvenile court having the power under the laws of the State to commit or direct the disposition of the person of any girl under the age of eighteen years and over the age of ten years, shall have the power to commit such girl to the House of Reform herein provided for, where she shall be detained for an indeterminate period, subject to parole at the discretion of the Superintendent and the board of managers. The period of detention shall be until the girl shall arrive at twenty-one years of age, subject to the power of release aforesaid. But no girl shall be committed to said institution who is an epileptic, insane or feeble-minded or a paralytic, or who has a contagious disease. All girls committed to said institution must have that degree of bodily health which shall render them fit subjects for the discipline of the institution. And before committing any girl to said institution, it shall be the duty of the court to have such person examined by a reputable physician, who shall certify that she has the qualifications above mentioned for entrance, which certificate shall be forwarded to the institution with the order of commitment. The court shall also furnish a statement of such facts as can be ascertained concerning the person, and family history of the girl. If it shall develop within six months after any girl is committed to the institution that she is an epileptic, insane or feeble-minded, or a

paralytic, she may be returned by order of the board of managers to the county from which she was committed.

§ 5. Whenever the board of managers shall deem it best to the interest of any girl in its custody, it shall instruct the superintendent of the institution to release such girl on trial, as soon as a suitable home for her shall be found. One or more visiting agents shall be employed in said institution, whose duty it shall be, under the direction of the superintendent thereof, to find homes for girls thus released and to visit them thereafter. No girl shall be placed in a home, which shall not have been previously investigated by such visiting agent and a full report thereof made to the superintendent. Such agents shall visit each girl as often as the superintendent shall deem necessary, to ascertain whether she is properly placed, and shall from time to time make to the superintendent full reports of all investigations and visits made by them. It shall be the duty of the superintendent to recall any girl who may not conduct herself properly, or who does not have a suitable home.

§ 6. The children of white and colored races committed to said institution shall be kept entirely separate from each other.

§ 7. When any girl shall be committed to said House of Reform, the expenses of conveying her to the institution shall be borne by the county of her residence, and the officer conveying her shall receive only the actual necessary expenses for food, lodging and transporting her; and said county shall thereafter pay for her maintenance the sum of seven dollars per month, which sum shall be payable into the State treasury at the end of each month. It shall be the duty of the county judge of each county on the last day of each month, by written order, to direct the treasurer of the county, or the person acting as treasurer, to forward to the Auditor

of Public Accounts the amount due under the provisions of this act. If any county shall make default in payment of any sum due under the provisions of this act, the Auditor may institute suit in the name of the Commonwealth against such county for the recovery of the amount due in the Franklin circuit court.

§ 8. The expenses of said institution, including the salaries of all employes, shall be paid out of the State treasury upon a warrant drawn by the Auditor. The superintendent shall, at the end of each month, certify to the board of managers all bills, accounts and other indebtedness and expenses of management of said institution incurred during the preceding month, and shall furnish said board itemized statements of all such claims; and upon approval of expense accounts by the board of managers, certified by the chairman and secretary thereof, the Auditor of Public Accounts shall draw his warrant in favor of the claimant therefor on the State Treasurer, and the same shall be paid.

§ 9. Any fugitive from the House of Reform for Girls, or from any home in which any inmate of said House shall be placed, may be arrested and returned to the institution by any officer or citizen.

§ 10. Any person, or persons, who shall entice or attempt to entice, away from said institution, or from any home in which any inmate of said institution shall be placed, or who shall knowingly harbor or conceal, or aid in harboring or concealing any girl who shall have escaped from said institution, or from any home in which she shall have been placed by said institution, shall, upon conviction of either of such offenses, be fined not less than twenty-five nor more than one hundred dollars, or imprisoned not exceeding sixty days, or both fined and imprisoned.

§ 11. If any provision of this act shall be held, for any reason, to be void, or ineffective, this shall not affect the remainder of the act.

§ 12. All acts or parts of acts inconsistent herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. E. Dowling	Jacob Metzger
H. F. S. Bailey	William Duffy	Harry J. Meyers
C. H. Bays	T. T. Gardner	Claude D. Minor
Chas. D. Bratcher	Wm. Gearheart	S. Montgomery
Frank J. Brown	C. H. Grimes	G. B. Moores
W. H. Brown	J. S. Hall	John T. Murphy
E. Bullock	W. C. G. Hobbs	B. F. McAtee
Henry A. Cannon	A. B. Holland	E. B. McGlone
Glover H. Cary	J. M. Howell	W. J. McMurray
R. A. Cook	Chas. L. Hunter	L. T. Neat
A. S. Cooper	R.B.Hutchcraft,Jr.	C. B. Nichols
S. B. Coleman	J. M. Johnson	S. Mazyck O'Brien
W. P. Cropper	T. R. Jones	William A. Perry
R. T. Crowe	W. H. Jones	A. B. Pieratt
James S. Cruse	W. T. Lasley	W. A. Price
H. C. Cummins	M. E. Lee	J. D. Pumphrey
S. C. Dobbs	Dr. J. E. Lilly	Harry P. Purnell
Jas. R. Dorman	W. R. Lyon	D. S. Richardson
Thomas A. Dover	Dr. C. W. Mathers	John T. Roach

L. M. Smith	R. C. Tartar	W. M. Webb
John W. Snider	Robt. R. Treadway	Frank M. White
Adam Spahn	D. B. Tyra	M. O. Wilson
Thomas Spurrier	J. W. Wall	Louis E. Yewell
Ed. D. Stone	John S. Webb	E. G. Young

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There voted in the negative—

J. D. Wills —1

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 258. An act to amend section 2516 of the Kentucky Statutes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2516 of the Kentucky Statutes be amended by adding thereto the following words:

"An action for an injury to the person of the plaintiff, or of his wife, child, ward, apprentice or servant, or for injuries to persons, caused by the negligence or malpractice of any physician or surgeon, shall be commenced within one year next after the cause of action accrued, and not thereafter."

So that said section as amended shall read as follows:

"An action for an injury to the person of the plaintiff, or of his wife, child, ward, apprentice, or servant, or for injuries to persons, cattle or stock, by railroads, or by any company or corporation; an action for malicious prosecution, conspiracy, arrest, seduction, criminal conversation or breach of promise of marriage; an action for libel or slander; an action against any physician or surgeon for negligence or malpractice; an action for the escape of a prisoner, arrested or imprisoned on civil process, shall be commenced within one year next after the cause of action accrued, and not thereafter."

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. P. Cropper	W. C. G. Hobbs
C. H. Bays	R. T. Crowe	A. B. Holland
Chas. D. Bratcher	James S. Cruse	David J. Howard
G. G. Brashear	H. C. Cummins	J. M. Howell
Frank J. Brown	S. C. Dobbs	Chas. L. Hunter
W. H. Brown	Jas. R. Dorman	R.B.Hutchcraft,Jr.
E. Bullock	W. E. Dowling	R. B. Jackson
Henry A. Cannon	William Duffy	T. R. Jones
Glover H. Cary	Odie Duncan	W. H. Jones
R. A. Cook	Wm. Gearheart	H. Clay Kauffman
A. S. Cooper	C. H. Grimes	Wm. J. Kuh
S. B. Coleman	J. S. Hall	W. T. Lasley

M. E. Lee	C. B. Nichols	Ed. D. Stone
Dr. J. E. Lilly	S. Mazyck O'Brien	R. C. Tartar
Dr. C. W. Mathers	A. J. Oliver	Robt. R. Treadway
Jacob Metzger	William A. Perry	D. B. Tyra
Harry J. Meyers	W. A. Price	J. Wood Vance
Claude D. Minor	J. D. Pumphrey	John S. Webb
S. Montgomery	Harry P. Purnell	W. M. Webb
G. B. Moores	D. S. Richardson	J. D. Wills
John T. Murphy	L. M. Smith	Louis E. Yewell
B. F. McAtee	Claude B. Smith	E. G. Young
E. B. McGlone	John W. Snider	
W. J. McMurray	Adam Spahn	—70

Those who voted in the negative were—

H. F. S. Bailey	W. R. Lyon	John T. Roach
J. M. Johnson	A. B. Pieratt	M. O. Wilson
		—6

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 119. An act relating to and regulating the sanitary conditions of foods, to provide for inspection; and creating penalties for a violation thereof.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every building, room, basement, inclosure or premises, occupied, used or maintained as a bakery, confectionery, cannery, packing house, slaughter house, creamery, cheese factory, restaurant, hotel, grocery, meat market, or as factory, shop, warehouse, any public place or manufacturing establishment used for the preparation, manufacture, packing, storage, sale or distribution of any food as defined by statute, which is intended for sale, shall be properly and adequately lighted, drained, plumbed and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the operatives, employes, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced, prepared, manufactured, packed, stored, sold or distributed.

§ 2. The floors, sidewalls, ceilings, furniture, receptacles, implements and machinery of every such establishment or place where such food intended for sale is produced, prepared, manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of such food products, shall at no time be kept or permitted to remain in an unclean, unhealthy or insanitary condition; and for the purpose of this act, unclean, unhealthful and insanitary conditions shall be deemed to exist if food in the process of production, preparation, manufacture, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt, and, as far as may be necessary, by all reasonable means, from all other foreign or injurious contamination; or if the refuse, dirt or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing or transportation of such food are not removed daily, or if all trucks, trays, boxes, buckets or other receptacles, or the chutes, platforms, racks, tables, shelves, and knives, saws, cleavers or other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning or other processes are not thoroughly cleaned

daily; or if the clothing of operatives, employes, clerks or other persons therein employed, is unclean.

§ 3. The sidewalls and ceilings of every bakery, confectionery, creamery, cheese factory and hotel or restaurant kitchen shall be so constructed that they can easily be kept clean; and every building, room, basement or inclosure occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable material which can be flushed and washed clean with water.

§ 4. All such factories, buildings, and other places containing food, shall be so provided with proper doors and screens adequate to prevent contamination of the product from flies.

§ 5. Every such building, room, basement, inclosure, or premises occupied, used or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of such food, shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet room shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling and distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other non-absorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues and pipes discharging into soil pipes or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the wash room shall be near the exit to the toilet and shall be supplied with soap, running water and towels and shall be maintained in a sanitary condition.

§ 6. If any such building, room, basement, inclosure or premises occupied, used or maintained for the purposes aforesaid or if the floors, sidewalls, ceilings, furniture, receptacles, implements, appliances or machinery of any such establishment, shall be constructed, kept, maintained, or permitted to remain in a condition contrary to any of the requirements or provisions of the preceding five (5) sections of this act, the same is hereby declared a nuisance, and any toilet, toilet room, lavatory or wash room as aforesaid, which shall be constructed, kept, maintained or permitted to remain in a condition contrary to the requirements or provisions of section five (5) of this act, is hereby declared a nuisance; and any car, truck or vehicle used in the moving or transportation of any food product as aforesaid, which shall be kept or permitted to remain in an unclean, unhealthful or insanitary condition, is hereby declared a nuisance. Whoever unlawfully maintains, or allows, or permits to exist a nuisance as herein defined shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as herein provided.

§ 7. Every person, firm, or corporation operating or maintaining an establishment or place where food is produced, prepared, manufactured, packed, stored, sold or distributed shall provide the necessary cuspidors for the use of the operatives, employes, clerks and other persons, and each cuspidor shall be thoroughly emptied and washed out daily with water or a disinfectant solution, and five ounces therof shall be left in each cuspidor while it is in use. Whoever fails to observe the provisions of this section shall be guilty of a misdemeanor, and punished as hereinafter provided.

§ 8. No oprative, employe, or other persons shall expectorate on the food, or on the utensils, or on the floors or sidewalls of any building, room, basement, or cellar where the production, preparations, manufacture, packing, storing or sale of any such food is conducted. Operatives, employes,

clerks, and all other persons who handle the material from which such food is prepared or the finished product, before beginning work, or after visiting toilet or toilets, shall wash their hands thoroughly in clean water. Whoever fails to observe or violates the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars.

§ 9. It shall be unlawful for any person to sleep, or to allow or permit any person to sleep in any work room of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or any place where food is prepared for sale, served or sold, unless all foods therein handled are at all times in hermetically sealed packages.

§ 10. It shall be unlawful for any employer to require, suffer or permit any person who is affected with any contagious or venereal disease to work, or for any person so affected to work, in a building, room, basement, inclosure, premises or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food.

§ 11. It shall be the duty of the officials in charge of the enforcement of the pure food laws of the State, and of the State Board of Health, and the county and city health officers, and the duly appointed agents of all such, to enforce the provisions of this act, and for that purpose such officers shall have full power at all times to enter every such building, room, basement, inclosure, or premises occupied or used or suspected of being occupied or used for the production, preparation or manufacture for sale, or the storage, sale, distribution or transportation of such food, to inspect the premises and all utensils, fixtures, furniture and machinery used as aforesaid; and if upon inspection any such food producing or distributing establishment, conveyance, or any employer, employe, clerk, driver

or other person is found to be violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storage, sale, distribution or transportation of such food is being conducted in a manner detrimental to the health of the employes and operatives, or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the inspection or examination shall report such conditions and violations to the chief pure food official, or to the State Board of Health, or to the chief county or city health officer, as the case may be, and such officer or officers shall thereupon issue a written order to the person, firm or corporation responsible for the violation or condition aforesaid to abate such condition or violation or to make such changes or improvements as may be necessary to abate them, within such reasonable time as may be required in which to abate them. Notice of such order may be served by delivering a copy thereof to said person, firm or corporation, or by sending a copy thereof by registered mail, and the receipt thereof through the postoffice shall be *prima facie* evidence that notice of said order has been received. Such person, firm or corporation shall have the right to appear in person or by attorney before the officer issuing the hearing notice, or the person appointed by him for such purpose, within the time limited in the order, and shall be given an opportunity to be heard and to show why such order or instructions should not be obeyed. Such hearing shall be under such rules and regulations as may be prescribed by the State Board of Health. If after such hearing it shall appear that the provisions or requirements of this act have not been violated, said order shall be rescinded. If it shall appear that the provisions or requirements of this act are being violated, and that the person, firm or corporation notified as aforesaid is responsible therefor, said previous order shall be confirmed or amended, as the facts shall warrant, and shall thereupon be final, but such additional time as is necessary may be granted within which to comply with said

final order. If such person, firm or corporation is not present or represented when such final order is made, notice thereof shall be given as above provided. On failure of the party or parties to comply with the first order within the time prescribed, when no hearing is demanded, or upon failure to comply with the final order, within the time specified, by the Food Commissioner, the facts shall be certified to the Commonwealth's, county or city attorney of the district in which such violations occurred, and said attorney shall proceed against the party or parties for the fines and penalties provided by this act, and also for the abatement of the nuisance: Provided, That the proceedings herein prescribed for the abatement of nuisances as defined in this act shall not in any manner relieve the violator from prosecution, in the first instance for every such violation, nor from the penalties for such violation prescribed by section 12 of this act.

§ 12. 1. Whenever any of the duly authorized officers mentioned in section 11 shall find any article of milk, meat or other food which is adulterated within the meaning of this ordinance, or any other article or substance which is detrimental to public health, such article shall be tagged or otherwise properly marked, giving notice that the product is suspected of being adulterated or detrimental to public health, and warning all persons not to remove the same until given permission by such officer, or the courts, and it shall be unlawful for any person or persons, firm or corporation to remove or otherwise dispose of same in violation of this section, and any person or persons, firm or corporation doing so shall be fined not less than ten dollars ($10.00), nor more than one hundred dollars ($100.00), or be imprisoned not to exceed fifty days, or both such fine and imprisonment.

2. Such tag or notice shall give notice that the article has been quarantined. The officer shall then petition the judge of the police court, county or circuit court in the district in

which the food is found for the condemnation and destruction of any such product. The owners or defenders of any such product or property shall be given the right to a hearing, first before the officer, if they so desire, and before the court. The notice of a hearing to be before the officer shall also state the length of time within which such hearing may be had.

3. In case the finding of the court is with the officer, the article shall be destroyed at the expense of the owner of the property, or by the owner of the property under the supervision of the officer, and in such case all other costs shall be taxed against the owners or defenders of the property, if such appear, or shall be collected, if no one appear, against the owner or agent properly ascertained.

§ 13. Whoever violates any of the provisions of this act, or who refuses to comply with any lawful order or requirement duly made in writing as provided in section 11 of this act, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00), or by imprisonment not to exceed 30 days, or by both fine and imprisonment, and for the second and subsequent offenses by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) or by imprisonment in the county jail for not more than ninety days, or both, in the discretion of the court; and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions, as ordered as aforesaid, shall constitute a distinct and separate offense.

§ 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. C. G. Hobbs	A. B. Pieratt
Geo. B. Barrett	David J. Howard	W. A. Price
C. H. Bays	J. M. Howell	J. D. Pumphrey
Chas. D. Bratcher	R.B.Hutchcraft,Jr.	Harry P. Purnell
G. G. Brashear	J. M. Johnson	D. S. Richardson
Frank J. Brown	T. R. Jones	John T. Roach
W. H. Brown	W. H. Jones	Lewis Ryans
E. Bullock	Wm. J. Kuh	L. M. Smith
Henry A. Cannon	W. T. Lasley	Claude B. Smith
Glover H. Cary	Dr. J. E. Lilly	John W. Snider
R. A. Cook	W. R. Lyon	Adam Spahn
A. S. Cooper	Dr. C. W. Mathers	Thomas Spurrier
S. B. Coleman	Jacob Metzger	Ed. D. Stone
W. P. Cropper	Harry J. Meyers	R. C. Tartar
R. T. Crowe	Claude D. Minor	Robt. R. Treadway
H. C. Cummins	S. Montgomery	F. C. Trivette
S. C. Dobbs	G. B. Moores	D. B. Tyra
Jas. R. Dorman	John T. Murphy	J. Wood Vance
Thomas A. Dover	B. F. McAtee	J. W. Wall
William Duffy	W. J. McMurray	John S. Webb
J. M. Elliston	L. T. Neat	J. D. Wills
T. T. Gardner	C. B. Nichols	M. O. Wilson
Wm. Gearheart	A. J. Oliver	Louis E. Yewell
C. H. Grimes	William A. Perry	E. G. Young
J. S. Hall	Geo. L. Pickett	—74

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in a resolution of the following title, viz.:

H. Res. 20. A joint resolution appropriating seventy-five dollars to Emma Guy Cromwell, enrolling clerk of the House, and appropriating seventy-five dollars to Jennie McDonald, enrolling clerk of the Senate for extra help during the closing days of this session of the General Assembly.

Also that they had passed bills originating in the House of the following titles, viz.:

H. B. 92. An act to amend the Kentucky Statutes, article 10, section 4464, relating to graded common schools, being the same as chapter 12, section 155, of the common school laws of Kentucky.

H. B. 101. An act to amend charters of cities of the first class to support by the levy of a tax or otherwise a municipal university.

H. B. 334. An act to amend and re-enact section 1731, and to repeal section 1732, of article IV. of chapter 47, Kentucky Statutes, Carroll's edition 1915, relating to fees that may be charged by county judges, city or police judges and justices of the peace.

H. B. 408. An act to amend section 1, subsection 1, article 13, chapter 22 of the Acts of 1906, being an act entitled "An act relating to revenue and taxation."

H. B. 508. An act to convey to Hart county the interest of the State of Kentucky in the Rio Bridge Company, a corporation.

A message was received from the Senate announcing that they had concurred in House amendment to Senate Bill 133.

Also that they had refused to concur in House amendments proposed to Senate Bill 75, and a conference committee had been appointed by the President of the Senate, composed of Messrs. Williams, Lewis and Forst, to act in conjunction with a similar one to be appointed by the Speaker of the House of Representatives for a conference on said amendments.

Pursuant to said report from the Senate conference committee Mr. Speaker Meyers appointed Messrs. Bullock, Lee and McMurray as a conference committee to act in conjunction with the Senate conference committee on said amendments to Senate Bill 75.

After a time the conference committee appointed to confer on House amendments to Senate Bill 75 submitted the following report, viz.:

We the joint conference committee to consider the House amendments to Senate Bill 75 recommend that the vote by which the amendments to raise London, Laurel Co., from the sixth to fifth class be reconsidered and that leave be given the Representative from Rockcastle to withdraw said amendment and that the bill be passed with the other amendments thereto.

J. H. WILLIAMS, *Chairman.*
B. C. LEWIS.
M. E. LEE, *Chairman,*
E. BULLOCK,
W. J. MCMURRAY.

(For said Senate Bill 75 see House Journal of March 13th.)

Mr. Lee moved the adoption of the report of the conference committee.

Said motion was agreed to.

Said report was adopted.

The question being taken on the passage of said Senate Bill 75 in accordance with and pursuant to the conference committee's report it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were--

Peter Ampler	Thomas A. Dover	M. E. Lee
H. F. S. Bailey	W. E. Dowling	Dr. J. E. Lilly
Geo. B. Barrett	J. R. Durham	W. R. Lyon
C. H. Bays	J. M. Elliston	Jacob Metzger
G. G. Brashear	L. L. Embrey	Harry J. Meyers
Frank J. Brown	Wm. Gearheart	Claude D. Minor
W. H. Brown	W. G. Gooch	S. Montgomery
E. Bullock	C. H. Grimes	G. B. Moores
Henry A. Cannon	W. C. G. Hobbs	John T. Murphy
Glover H. Cary	J. M. Howell	B. F. McAtee
R. A. Cook	Chas. L. Hunter	E. B. McGlone
A. S. Cooper	R.B.Hutchcraft,Jr.	W. J. McMurray
S. B. Coleman	R. B. Jackson	L. T. Neat
W. P. Cropper	J. M. Johnson	C. B. Nichols
R. T. Crowe	T. R. Jones	S. Mazyck O'Brien
James S. Cruse	W. H. Jones	William A. Perry
H. C. Cummins	H. Clay Kauffman	Geo. L. Pickett
S. C. Dobbs	Wm. J. Kuh	A. B. Pieratt
Jas. R. Dorman	W. T. Lasley	D. S. Richardson

John T. Roach	Ed. D. Stone	J. D. Wills
Joe Schneider	F. C. Trivette	M. O. Wilson
L. M. Smith	D. B. Tyra	Louis E. Yewell
Claude B. Smith	J. Wood Vance	E. G. Young
John W. Snider	J. W. Wall	
Adam Spahn	W. M. Webb	—73

The House took up for consideration from the orders of the day a bill entitled:

S. B. 316. An act in relation to pandering; to define and prohibit the same; to provide for the punishment thereof; for the competency of certain evidence at, and the venue of the trial therefor.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person, who (a) shall procure a female inmate for a house of prostitution, or (b) who shall by promise, threat, violence or by any scheme or device cause, induce, persuade or encourage a female person to become or to remain an inmate of a house of prostitution, or (c) who shall induce, persuade or encourage a female person to come into this State or to leave this State for the purpose of becoming an inmate of a house of prostitution, or (d) who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for any female person from one point within this State to another point within this State, with the intent or purpose of inducing, persuading or forcing said female to become an inmate of a house of prostitution, or (e) who shall knowingly accept or appropriate any money or other thing of value, without lawful consideration, from a prostitute and from the earnings from her prostitution, or (f) who shall receive or give, or agree to receive or give, any money or other

thing of value for procuring, or attempting to procure an inmate for a house of prostitution, or (g) who shall procure for another a person for the purpose of illicit sexual intercourse and shall directly or indirectly receive therefor a consideration shall be guilty of pandering; and upon conviction, shall be punished by imprisonment in the penitentiary for a term of not less than two nor more than ten years.

§ 2. If any part of any of the acts mentioned in section 1 of this act shall have been committed within this State, the offense may, in such case, be deemed to have been committed, and the offender may be indicted, tried and convicted in any county in which any part of said offense shall have been committed.

§ 3. Any female person referred to in any of the foregoing sections may be a competent witness, in any prosecution under this act, to testify for or against the accused as to any transaction, or as to any conversation with the accused, or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this act, whether called as witness during the existence of the marriage or after the dissolution thereof.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. G. Gooch	W. A. Price
H. F. S. Bailey	C. H. Grimes	J. D. Pumphrey
Geo. B. Barrett	W. C. G. Hobbs	Harry P. Purnell
Chas. D. Bratcher	David J. Howard	D. S. Richardson
G. G. Brashear	J. M. Howell	John T. Roach
Frank J. Brown	Chas. L. Hunter	Joe Schneider
W. H. Brown	R.B.Hutchcraft,Jr.	L. M. Smith
Henry A. Cannon	R. B. Jackson	Claude B. Smith
Glover H. Cary	J. M. Johnson	John W. Snider
R. A. Cook	T. R. Jones	Adam Spahn
A. S. Cooper	Wm. J. Kuhn	Thomas Spurrier
S. B. Coleman	W. T. Lasley	Ed. D. Stone
W. P. Cropper	Dr. J. E. Lilly	R. C. Tartar
R. T. Crowe	W. R. Lyon	Robt. R. Treadway
James S. Cruse	Dr. C. W. Mathers	F. C. Trivette
H. C. Cummins	Harry J. Meyers	J. Wood Vance
S. C. Dobbs	G. B. Moores	J. W. Wall
Jas. R. Dorman	John T. Murphy	John S. Webb
Thomas A. Dover	B. F. McAtee	W. M. Webb
W. E. Dowling	E. B. McGlone	Frank M. White
William Duffy	L. T. Neat	J. D. Wills
Odie Duncan	C. B. Nichols	M. O. Wilson
J. R. Durham	A. J. Oliver	Louis E. Yewell
T. T. Gardner	William A. Perry	E. G. Young
Wm. Gearheart	A. B. Pieratt	—74

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was pased be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 142. An act to repeal and re-enact chapter 19 of the Acts of 1914, which is an act concerning the trial and punishment of prisoners indicted for felony or misdemeanor.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 19, of the Acts of 1914, which is now section 1136 of the Kentucky Statutes, be, and the same is hereby repealed, amended and re-enacted so that same will read as follows:

"The jury by whom an offender is tried shall fix by their verdict the punishment to be inflicted within the periods and amount prescribed by law; persons sentenced to punishment by confinement in the penitentiary shall be kept at hard labor. In cases where the punishment is a fine or imprisonment in the county jail, or both, the improsnment shall be by close confinement in the jail of the county where the trial was held, unless otherwise provided; and the prisoner shall also be confined in the jail until the costs are paid, unless otherwise provided."

§ 2. Any person convicted and sentenced to the penitentiary under the preceding section shall receive a credit on his sentence of not exceeding ten days in each month, the amount of credit to be determined by the Board of Prison Commissioners from the conduct of the prisoner. The Board of Penitentiary Commissioners shall prescribe rules for the control, conduct and management of the prisoners and allow to each prisoner a credit on his or her sentence in accordance with such rules and regulations.

§ 3. All laws in conflict with this act are hereby repealed,

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler
H. F. S. Bailey
Geo. B. Barrett
C. H. Bays
Chas. D. Bratcher
G. G. Brashear
W. H. Brown
E. Bullock
Henry A. Cannon
Glover H. Cary
R. A. Cook
A. S. Cooper
S. B. Coleman
W. P. Cropper
R. T. Crowe
James S. Cruse
H. C. Cummins
S. C. Dobbs
Jas. R. Dorman
Thomas A. Dover
William Duffy
Odie Duncan
J. R. Durham
L. L. Embrey
T. T. Gardner
Wm. Gearheart
C. H. Grimes
W. C. G. Hobbs
A. B. Holland
J. M. Howell
Chas. L. Hunter
R.B.Hutchcraft,Jr.
R. B. Jackson
J. M. Johnson
T. R. Jones
W. H. Jones
H. Clay Kauffman
Wm. J. Kuh
W. T. Lasley
M. E. Lee
Dr. J. E. Lilly
Dr. C. W. Mathers
Jacob Metzger
Harry J. Meyers
Claude D. Minor
S. Montgomery
G. B. Moores
John T. Murphy
B. F. McAtee
E. B. McGlone
L. T. Neat
C. B. Nichols
S. Mazyck O'Brien
A. J. Oliver
Geo. L. Pickett
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
D. S. Richardson
John T. Roach
Joe Schneider
L. M. Smith
E. D. Smith
Claude B. Smith
John W. Snider
Thomas Spurrier
Ed. D. Stone
R. C. Tartar
Robt. R. Treadway
F. C. Trivette
D. B. Tyra
J. W. Wall
John S. Webb
W. M. Webb
Frank M. White
J. D. Wills
M. O. Wilson
E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 141. An act to amend and re-enact section 2 of chapter 70 of the Acts of the General Assembly of 1914, which relates to the parole of prisoners confined in the State penal institutions.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of chapter 70 of the Acts of 1914, which is now subsection 2 of section 3828, Kentucky Statutes, be and the same is hereby amended and re-enacted so that same will read as follows:

After any prisoner has been confined in one of the penal institutions of this State for at least half of the sentence imposed upon such prisoner by the judgment of the court wherein he was convicted and sentenced, he may file an application for a parole with the Board of Prison Commissioners, excepting persons convicted for life or persons sentenced for sixteen years or longer, to one of said institutions, who shall not be allowed to file an application for parole until eight years have elapsed since the said prisoner was confined in said institution. The board shall have full power and authority

to adopt and certify to the warden of each institution under their control such reasonable rules and regulations as the board shall deem wise and fair, providing for the keeping of proper records of the conduct and deportment of prisoners, and for the careful record of any important facts in the life and character of such prisoners, which may be pertinent for consideration in the final determination of such prisoner's application for parole.

If said board, after careful consideration and in the full exercise of its discretion, deem said application reasonable and timely, said board shall ascertain from the records of the institution where said applicant is confined, and from other trustworthy sources whether he, or she, has been of good demeanor, and, in the opinion of the board, has been sufficiently meritorious and has earned sufficient grade or rank for good conduct by obedience to the rules and regulations of the institution in which he or she is confined for the period of time to be fixed by the rules of the board, next preceding the date of his or her application; and said board shall also ascertain whether the applicant has secured, or had secured for him or her some respectable employment with a solvent, reputable person, firm or corporation, at a compensation sufficient to render such applicant self-sustaining after parole, which employment shall be evidenced by a written contract of employment for at least six months; provided, however, that prisoners under the age of sixteen years and female prisoners may be paroled without contract for stipulated wages, where a home for such prisoner shall have been procured in a reputable family or apprenticed to a solvent reputable person, firm or corporation under a written contract for proper support, care and moral supervision; and no contract shall be necessary for the employment of prisoners owning estates sufficient to yield enough income or proceeds to make such prisoner self-sustaining.

The said board shall, by its rules, provide proper forms of contract, applicable to the respective classes of prisoners enumerated in this section, and may, in its discretion, require a surety or sureties for the faithful performance of the same.

After said board has ascertained the facts mentioned above, and the prisoner's previous life as to probity or criminality, and as to the indications of his purpose to reform, they shall consider said application and shall have full discretion or power to refuse the same, but if they wish to have the parole granted, they shall take a brief report in writing to the Governor, stating the facts mentioned in this section, together with the reasons in favor of granting the application for parole, and if the Governor then approve the granting of the parole by his signature thereto, said parole shall be granted and the certificate therof, with the Governor's signature attached thereto, shall be given to said prisoner. On the parole of any prisoner, he shall be provided at the expense of the Commonwealth with a suit of clothes, transportation to the county in this Commonwealth in which he has secured employment, and with five ($5.00) dollars in cash.

§ 2. All laws in conflict with this act are hereby repealed.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	T. T. Gardner	L. T. Neat
H. F. S. Bailey	Wm. Gearheart	C. B. Nichols
Geo. B. Barrett	W. G. Gooch	S. Mazyck O'Brien
C. H. Bays	C. H. Grimes	William A. Perry
Chas. D. Bratcher	W. C. G. Hobbs	Geo. L. Pickett
G. G. Brashear	David J. Howard	W. A. Price
W. H. Brown	R.B.Hutchcraft,Jr.	J. D. Pumphrey
E. Bullock	T. R. Jones	Harry P. Purnell
Henry A. Cannon	W. H. Jones	D. S. Richardson
Glover H. Cary	H. Clay Kauffman	Joe Schneider
S. B. Coleman	Wm. J. Kuh	L. M. Smith
W. P. Cropper	W. T. Lasley	Claude B. Smith
R. T. Crowe	Dr. J. E. Lilly	John W. Snider
James S. Cruse	W. R. Lyon	Ed. D. Stone
H. C. Cummins	Dr. C. W. Mathers	R. C. Tartar
S. C. Dobbs	Jacob Metzger	Robt. R. Treadway
Jas. R. Dorman	Harry J. Meyers	J. W. Wall
Thomas A. Dover	Claude D. Minor	John S. Webb
W. E. Dowling	S. Montgomery	W. M. Webb
William Duffy	G. B. Moores	M. O. Wilson
Odie Duncan	John T. Murphy	Louis E. Yewell
J. M. Elliston	B. F. McAtee	E. G. Young
L. L. Embrey	E. B. McGlone	—68

Those who voted in the negative were—

A. S. Cooper	John T. Roach	J. D. Wills
A. B. Pieratt	E. D. Smith	—5

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 191. An act authorizing the acceptance of gifts and trusts regarding education by boards of education and regulating their administration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the governing boards of the respective school districts of this Commonwealth be and they are hereby empowered to receive real and personal property by gift or by will, in fee, or for limited uses or in trust, if the same be for use in the cause of education in whole or in part within their respective districts; and shall hold, use and administer said limited use funds and trust funds, principal and interest, in strict accordance, with the terms of the respective instruments of gift or trust, and no part thereof shall ever be used for any purposes other than those provided therein. Every vote upon the use or investment of any of said funds shall be by call of ayes and nays and the record shall show how each member voted.

§ 2. The principal of said funds shall be invested and reinvested from time to time by the board in the bonds of any city, county, State or district which has not defaulted its interest within twenty years, or in loans secured by first mortgage on real estate worth at least double the amount so loaned (but no such loan shall ever be for more than said property was assessed for taxes the preceding year), or in the purchase of substantial improved income-bearing real estate, taking the title in the name of said board as such trustee. But no loans shall ever be made to, or real estate

purchased from or sold to any member, officer or employe of the board, or to one who has been a member, officer or employee within one year.

§ 3. Said board shall make an itemized statement under oath of all receipts, disbursements, assets and investments of each and all such funds separately in January of each year and file same in the county court, and shall publish a notice that it has done so, at least once a week for two weeks, in a paper of general circulation in the district, if there be such a paper, and in addition shall post a copy of such notice on the door of the school house, if it be a rural school district, or at the door of the city hall or court house, if it be a city district. At the next regular county court after the two full weeks, the report shall stand for exception or confirmation as any other fiduciary report to said court.

§ 4. Any member of any of said boards who shall vote for, and any officer of said board who shall certify to or draw a check for, an appropriation in violation of this act shall thereby be and become liable for the restoration of the amount of such wrongful appropriation, such liability to be enforced in an action brought by the board or by any citizen of the district or by the superintendent of Public Instruction of the State, and in addition thereto shall be guilty of malfeasance in office and upon conviction shall forfeit his office and may, for each offense, be fined not less than $50.00 nor more than $1,000.00, or imprisoned from one year to five years, or both so fined and imprisoned in the discretion of the court—one-half of said fine to be paid over by the collecting officers to said board.

§ 5. All acts or parts of acts in conflict herewith be and the same are hereby repealed.

§ 6. This act shall take effect from ninety days after the adjournment of this session of the Legislature.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Chas. L. Hunter	A. B. Pieratt
H. F. S. Bailey	R.B.Hutchcraft,Jr.	W. A. Price
C. H. Bays	R. B. Jackson	D. S. Richardson
G. G. Brashear	T. R. Jones	John T. Roach
Frank J. Brown	W. H. Jones	Lewis Ryans
Henry A. Cannon	H. Clay Kauffman	Joe Schneider
R. A. Cook	Wm. J. Kuh	L. M. Smith
A. S. Cooper	Dr. J. E. Lilly	Claude B. Smith
S. B. Coleman	W. R. Lyon	John W. Snider
W. P. Cropper	Dr. C. W. Mathers	Adam Spahn
S. C. Dobbs	Jacob Metzger	Ed. D. Stone
Jas. R. Dorman	Harry J. Meyers	R. C. Tartar
Thomas A. Dover	Claude D. Minor	Robt. R. Treadway
W. E. Dowling	S. Montgomery	F. C. Trivette
William Duffy	G. B. Moores	D. B. Tyra
J. R. Durham	John T. Murphy	J. W. Wall
J. M. Elliston	B. F. McAtee	W. M. Webb
L. L. Embrey	E. B. McGlone	J. D. Wills
Wm. Gearheart	W. J. McMurray	M. O. Wilson
W. G. Gooch	C. B. Nichols	Louis E. Yewell
C. H. Grimes	S. Mazyck O'Brien	E. G. Young
W. B. Harvey	William A. Perry	
W. C. G. Hobbs	Geo. L. Pickett	—67

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 22. An act creating the Thirty-sixth Judicial District of Kentucky; fixing the time of holding courts thereof; providing for the appointment of and election of a circuit judge and Commonwealth attorney, and changing the Twenty-third, Thirty-first and Thirty-second Judicial Districts of Kentucky so as to provide for said Thirty-sixth District and fixing the time for holding the courts in said district and in the other districts affected.

Said bill reads as follows, viz.:

Whereas, there has been a large increase of population and a large development of resources in the present Thirty-second Judicial District and the Thirty-first Judicial District and Twenty-third Judicial District, so much so that it is impossible for the judge to do the work required of the courts in said districts in the time now allotted; and

Whereas, by reason of these facts the business of said districts is congested and in some of the counties it is impossible to complete the business in the time fixed by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Thirty-sixth Judicial District of Kentucky is hereby created and shall be composed of the counties of

Wolfe, Morgan and Magoffin; the Thirty-second District of Carter, Lawrence and Elliott; the Thirty-first District of Knott and Floyd, and the Twenty-third District of Breathitt, Lee and Estill.

§ 2. The present Judge and Commonwealth's Attorney in the Thirty-second, Thirty-first and Twenty-third Districts shall remain in force and be unchanged for the time provided by law. The Governor shall appoint and commission a circuit judge and Commonwealth's attorney in the Thirty-sixth Judicial District, who shall hold their offices until their successor is elected and qualified. An election shall be held in said district to elect a circuit judge and Commonwealth's attorney at the regular November election, 1916, to succeed the officers appointed under this act. The time of holding court in the Thirty-sixth Judicial District shall be in Wolfe county beginning the first Monday in February, the fourth Monday in May and the first Monday in September, and continue each term for eighteen juridical days; in Morgan county first Monday in March, third Monday in June and fourth Monday in September, and continue eighteen juridical days; in Magoffin county first Monday in April, third Monday in July and second Monday in October, and continue eighteen juridical days.

§ 3. In the Thirty-second District the court shall be held as follows: In Carter county the first Monday in January, first Monday in May and first Monday in September, and hold thirty juridical days at each term; in Lawrence county second Monday in February, second Monday in June, second Monday in October, and hold twenty-four juridical days at each term; Elliott county third Monday in March, third Monday in July, third Monday in November and hold eighteen juridical days at each term.

§ 4. In the Thirty-first Judicial District the court shall be held as follows: Floyd county first Monday in February,

third Monday in May, first Monday in September, and hold forty-two juridical days at each term; Knott county first Monday in April, fourth Monday in July and second Monday in November, and hold eighteen juridical days at each term.

§ 5. In the Twenty-third Juridical District the courts shall be held as follows: Breathitt county first Monday in January, first Monday in April, first Monday in July, and hold thirty-six juridical days, and the July term may be divided so as to hold a term on the first Monday in October for thirty-six juridical days. In Lee county the court shall be held as follows: Commencing on the following Monday after the close of the terms held in Breathitt county which commence in January, April and October, and continue eighteen juridical days. In Estill county the courts shall be held as follows: Commencing on Monday following the end of the terms in Lee county and continuing eighteen juridical days, but in determining the Monday on which court shall begin in Lee and Estill counties, it shall always be considered that the full term is to be held in Breathitt and the full term in Lee.

Mr. Hutchcraft offered the following amendment to said bill, viz.:

Amend the preamble by adding the following:

"Whereas, Judge D. W. Gardner needs a job."

Said amendment was declared out of order.

Mr. Bailey offered the following amendment to said bill, viz.:

That section one of said act be amended by adding the word "Breathitt" in the second line of said section one so

as when so amended the first clause in said section shall read as follows:

"The Thirty-sixth Judicial District of Kentucky is hereby created and shall be composed of the counties of Wolfe, Morgan, Magoffin and Breathitt; and the Twenty-third Judicial District shall be composed of the counties of Lee, Estill and Powell.

"The time of holding courts in said two districts shall be as follows:

"In the Thirty-sixth District the courts shall commence as follows: In Breathitt county, first Monday in January, second Monday in April and first Monday in September and continue twenty-four juridical days, and first Monday in December and continue eighteen juridical days.

"In Morgan county on Monday following the terms in Breathitt county and continue twelve juridical days; in Magoffin county, third Monday in February, first Monday in June and third Monday in October and continue twelve juridical days, and in Wolfe county third Monday in March, third Monday in June, second Monday in November and continue twelve juridical days.

"In the Twenty-third Judicial District the courts shall be held as follows:

"In Lee county, first Monday in January, first Monday in April and first Monday in September and continue twenty-four juridical days. In Estill county the terms of court shall begin on Mondays following the close of the terms in Lee county; in Powell county the courts shall begin first Monday in March, fourth Monday in May and first Monday in November and continue twelve juridical days.

"The terms of court in Carter, Lawrence and Elliott counties shall remain unchanged as is now provided by law."

Said amendments were disagreed to.

Mr. McMurray offered the following amendment to said bill, viz.:

"That section one of said act be amended by striking out said entire section, and insert in lieu thereof the following:

"The Thirty-sixth Judicial District of Kentucky is hereby created, and shall be composed of the counties of Breathitt and Knott, and the Thirty-first Judicial District shall be composed of Floyd, Magoffin and Wolfe, and the Twenty-third Judicial District shall be composed of the counties of Lee, Estill and Powell. The Hon. A. D. Patrick shall be and remain judge of the Thirty-first Judicial District for the time provided by law. The Hon. J. D. Smith, of Knott county, who was elected Commonwealth's attorney of the Thirty-first Judicial District, shall remain and be Commonwealth's attorney of the Thirty-sixth Judicial District for the time provided by law. The Governor shall appoint and commission a circuit judge for the Thirty-sixth Judicial District who shall hold his office until his successor is elected and qualified. The judge and Commonwealth's attorneys of the Twenty-third Judicial District shall hold their offices until their successors are elected and qualified. That section two of said act be amended so as to fix the time of holding the courts in said districts as set out in this amendment as follows:

"The time of holding court in the Twenty-third Judicial District shall be as follows: In Lee county, first Monday in January, first Monday in April and first Monday in September and hold twenty-four juridical days; in Estill county the

terms of court shall begin on the Mondays following the close of the terms in Lee county and continue eighteen juridical days each term; in Powell county the court shall commence on first Monday in March, fourth Monday in May and first Monday in November and continue twelve days each term.

"In the Thirty-sixth Judicial District the courts shall be held as follows: In Breathitt county, first Monday in January and first Monday in September and continue thirty-sixth juridical days each and first Monday in April and first Monday in September and continue forty-eight juridical days each, and the court in Knott county shall commence the first Monday in March, second Monday in June and second Monday in November and continue eighteen juridical days.

"The time of holding courts in the Thirty-first Judicial District shall be as follows:

"In Floyd county, first Monday in January, first Monday in April and first Monday in September and continue thirty-six juridical days.

"In Magoffin county, on Mondays following the terms in Floyd county and continue eighteen juridical days; in Wolfe county on the second Monday in March, third Monday in June and second Monday in November and continue eighteen juridical days."

Said amendment was disagreed to.

Mr. Kauffman offered the following amendment to said bill, viz.:

Senate Bill 22. That said act be amended by striking out sections three and four in said act.

Said amendment was disagreed to.

Mr. Montgomery offered the following amendment to said bill, viz.:

That section one of said act be amended by striking out the word "Morgan" in the second line and inserting the word "Breathitt" in lieu thereof between the words "Wolfe and Magoffin," so as the first clause in said section one shall read as follows:

§ 1. The Thirty-sixth Judicial District of Kentucky is hereby created and shall be composed of the counties of Wolfe, Breathitt and Magoffin; and that said section be amended so as to fix the time of holding court therein as follows: The time of holding court in the Thirty-sixth Judicial District shall be in Breathitt county beginning first Mondays in January and September and continue each term twenty-four juridical days, first Monday in April and third Monday in November, and continue each term thirty-six juridical days; in Magoffin county, first Monday in February, third Monday in May and first Monday in October, and continue each term eighteen juridical days; and in Wolfe county, fourth Monday in February, third Monday in June and fourth Monday in October and continue each term eighteen juridical days.

That the Twenty-third Judicial District shall be composed of the counties of Lee, Estill and Powell.

In said Second Judicial District the courts shall be held as follows: Lee county, first Monday in January, first Monday in April and first Monday in September, and hold twenty-four juridical days. In Estill county the courts shall be as follows: Commencing on the following Mondays after the close of the terms held in Lee county and continue eighteen juridical days. In Powell county the courts shall be as follows: First Monday in March, fourth Monday in May and

first Monday in November, and continue twelve juridical days.

Also that said act be amended by striking out all of section three and section four thereof.

Said amendment was disagreed to.

Mr. Hutchcraft offered the following amendment to said bill, viz.:

Amend section 2 by striking out the word "eighteen" in the eleventh line and inserting in lieu thereof the word "twelve."

Said amendment was disagreed to.

Mr. Hutchcraft offered the following amendment to said bill, viz.:

Amend section two by striking out the word "eighteen" in the eleventh line and also by striking out the word "eighteen" in the thirteenth line and inserting in lieu of the words so stricken the word "twelve."

Said amendment was disagreed to.

Mr. Minor offered the following amendment to said bill, viz.:

Amend section one by striking out the word "Wolfe" and the word "Morgan" in the second line thereof and inserting in lieu thereof the word "Breathitt," so that said section as amended shall read as follows:

§ 1. The Thirty-sixth Judicial District of Kentucky is hereby created and shall be composed of the counties of

Breathitt, and Magoffin; the Thirty-first District shall be composed of the counties of Floyd and Knott and the Twenty-third District shall be composed of the counties of Lee and Estill and Wolfe.

Amend section two by striking out the entire section and inserting in lieu thereof the following:

§ 2. The Hon. A. D. Patrick, Circuit Judge elect of the Thirty-first Judicial District, whose home is in Magoffin county, shall be and is hereby declared judge of the Thirty-sixth Judicial District of Kentucky as created by this act. And the Hon. John D. Smith, Commonwealth's Attorney of the Thirty-first District shall be and remain Commonwealth's attorney of said district. The Governor shall appoint and commission a judge for the Thirty-first District and a Commonwealth's attorney for the Thirty-sixth Judicial District as created by this act.

The regular judge and Commonwealth's attorney for the Twenty-third Judicial District shall hold their respective offices for the time provided by law.

The time for holding courts in the Twenty-third and Thirty-first Districts shall be and remain unchanged as now provided by law. The time for holding courts in the Thirty-sixth District as created by this act shall be as follows:

Breathitt county at Jackson, beginning on the first Mondays in February, May and September and continuing Thirty-six juridical days. In Magoffin county, at Salyersville, beginning the Monday succeeding the terms of the Breathitt Circuit Court and continuing twelve juridical days.

Amend further by striking out sections three, four and five of said act.

Said amendments were disagreed to.

Mr. Dover moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

The following pair was announced:

"It is agreed that J. H. Thompson and M. E. Lee are paired on Senate Bill 22. If Thompson was present and voting would vote for the bill, and M. E. Lee if present and voting would vote against it.

"J. H. THOMPSON,
M. E. LEE."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Peter Ampler	R. A. Cook	L. L. Embrey
Geo. B. Barrett	A. S. Cooper	Wm. Gearheart
C. H. Bays	S. B. Coleman	C. H. Grimes
G. G. Brashear	R. T. Crowe	J. S. Hall
Frank J. Brown	James S. Cruse	Chas. L. Hunter
W. H. Brown	S. C. Dobbs	R. B. Jackson
E. Bullock	Thomas A. Dover	T. R. Jones
Henry A. Cannon	W. E. Dowling	W. H. Jones
Glover H. Cary	Odie Duncan	Wm. J. Kuh

W. T. Lasley	Geo. L. Pickett	R. C. Tartar
Dr. J. E. Lilly	W. A. Price	Robt. R. Treadway
W. R. Lyon	J. D. Pumphrey	F. C. Trivette
Jacob Metzger	Harry P. Purnell	D. B. Tyra
Harry J. Meyers	D. S. Richardson	J. Wood Vance
G. B. Moores	Lewis Ryans	J. W. Wall
John T. Murphy	Joe Schneider	John S. Webb
E. B. McGlone	John W. Snider	M. O. Wilson
S. Mazyck O'Brien	Adam Spahn	Louis E. Yewell
William A. Perry	Thomas Spurrier	E. G. Young

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Those who voted in the negative were—

H. F. S. Bailey	W. B. Harvey	W. J. McMurray
W. P. Cropper	David J. Howard	A. J. Oliver
H. C. Cummins	J. M. Howell	A. B. Pieratt
Jas. R. Dorman	R.B.Hutchcraft,Jr.	Richard Radcliffe
William Duffy	J. M. Johnson	John T. Roach
J. R. Durham	H. Clay Kauffman	L. M. Smith
J. M. Elliston	Dr. C. W. Mathers	Claude B. Smith
T. T. Gardner	Claude D. Minor	Ed. D. Stone
W. G. Gooch	S. Montgomery	J. D. Wills
Frank C. Greene	B. F. McAtee	

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Mr. Hutchcraft offered the following amendment to the title of said bill, viz.:

Amend the title so that it will read as follows:

"An act for the benefit of D. W. Gardner."

Said amendment was declared out of order.

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said

bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a resolution of the following title, viz.:

S. Res. 24. Joint resolution to provide for the payment of expenses of the committee named by the Senate to attend the funeral of the late Senator from the Thirty-fifth District, and to pay the expenses of the committee named by Lieutenant-Governor McDermott during vacation to attend the funeral of Senator Walker C. Hall, and to pay for the floral design ordered by the Senate at the funeral of Senator Stewart.

Said resolution reads as follows:

Joint resolution to provide for the payment of expenses of the committee named by the Senate to attend the funeral of the late Senator from the 35th District and to pay the expenses of the committee named by Lieutenant-Governor McDermott during vacation to attend the funeral of Senator Walker C. Hall and to pay for the floral design ordered by the Senate at the funeral of Senator Stewart.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the clerk of the Senate be authorized and directed to issue a voucher directing the Auditor to draw his warrant on the Treasury of the Commonwealth, payable to the Sergeant-at-Arms of the Senate, for the sum of sixty-one dollars and seventy-five cents, being the amount expended by the committee, incident to the attendance of the committee upon the

occasion of the funeral of the Hon. J. E. Stewart, late member of the Senate from the 35th District.

That the Auditor is directed to draw his warrant on the Treasurer of the Commonwealth of Kentucky payable to the Sergeant-at-Arms of the Senate for the sum of $19.70 the amount expended by the committee appointed by Lieutenant-Governor E. J. McDermott, during vacation to attend the funeral of the Senator from Covington, Walker C. Hall.

And that the Auditor be further directed to draw his warrant on the Treasurer of the Commonwealth of Kentucky payable to the Sergeant-at-Arms of the Senate, to pay Miss N. A. Newman for floral design purchased and used at the funeral of the late Senator Stewart, amount $5.00.

2. The Sergeant-at-Arms will, upon the receipt of the sum hereinbefore mentioned, distribute the same among those persons entitled thereto.

Mr. Duffy moved that said resolution be adopted.

Said motion was agreed to.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

C. H. Bays	James S. Cruse	J. M. Elliston
G. G. Brashear	S. C. Dobbs	L. L. Embrey
Frank J. Brown	Jas. R. Dorman	T. T. Gardner
E. Bullock	Thomas A. Dover	Wm. Gearheart
A. S. Cooper	W. E. Dowling	W. G. Gooch
S. B. Coleman	William Duffy	J. S. Hall
R. T. Crowe	J. R. Durham	W. C. G. Hobbs

David J. Howard	C. B. Nichols	Claude B. Smith
T. R. Jones	S. Mazyck O'Brien	Adam Spahn
W. H. Jones	A. J. Oliver	Thomas Spurrier
Wm. J. Kuh	William A. Perry	R. C. Tartar
W. T. Lasley	Geo. L. Pickett	Robt. R. Treadway
Jacob Metzger	A. B. Pieratt	J. W. Wall
Harry J. Meyers	J. D. Pumphrey	John S. Webb
S. Montgomery	Richard Radcliffe	M. O. Wilson
B. F. McAtee	John T. Roach	Louis E. Yewell
E. B. McGlone	Joe Schneider	E. G. Young
W. J. McMurray	L. M. Smith	—53

There voted in the negative—

Ed. D. Stone —1

And so said resolution was adopted.

Mr. William Duffy moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 257. An act to amend and re-enact chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, entitled, "An act to provide for the organization, armament, equipment, discipline and government of the militia."

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act entitled, "An act to provide for the organization, armament, equipment, discipline and government of the militia," and amending chapter 86, sections 2652 to 2711, inclusive, of the Kentucky Statutes, Carroll's 1909 edition, being an Act of March 13th, 1893, entitled, "An act concerning the militia of the Commonwealth of Kentucky," and amendatory acts thereto, the same being chapter 142 of the acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, be, and the same is hereby amended and reenacted so to to read as follows:

§ 1. Commander-in-Chief.—The Governor shall be Commander-in-Chief of the army and navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the Genreal Assembly. (Constitutional provision.)

§ 2. Authority to Control.—The Governor shall exercise the authority of issuing the lawful orders to organize, equip, and discipline the militia, so that it may conform as nearly as practicable to the regulations for the government of the armies of the United States.

§ 3. Governor May Disband and Muster Out.—The Governor may disband and muster out of the service, any organization, or part of same, falling below the proper standard of efficiency, which shall be determined by him from inspections and reports thereon.

§ 4. Code.—The system or organization, armament, discipline, and government of the militia shall be prescribed from time to time in a code of regulations to be promulgated by the Goovernor, but the same shall, at all times, conform as nearly as practicable to that of corresponding forces in the army of the United States, subject at all times to the laws and regula-

tions of the United States governing the organized militia, and, in time of peace, to such general exceptions as may be authorized by the Secretary of War.

§ 5. The Adjutant General's Office.—The personnel of the Adjutant General's office shall consist of one brigadier general who shall be the Adjutant General; one major of the adjutant general's department who shall be an assistant to the Adjutant General; one captain of the quartermaster corps who shall be the superintendent of the State arsenal; all of whom shall be appointed or detailed from the Kentucky National Guard by the Governor; and such officers as may be necessary who shall be detailed by the Adjutant General from the Kentucky National Guard, and such stenographers and other assistants as may be necessary, to be employed by the Adjutant General. The Adjutant General, the major of the adjutant general's department, and the arsenal superintendent, shall hold office for terms of four years, or at the pleasure of the Governor.

§ 6. Duties of the Adjutant General.—The Adjutant General shall perform such duties as are prescribed by law, and such other military duties, consistent with the regulations and customs of the United States Army and the War Department, as may be required by the Governor. The Adjutant General is charged with the duty of supervising all troops of the line and all departments, arms, and branches of the Kentucky National Guard. Such supervisory power covers, primarily, duties pertaining to the command, discipline, training, and recruiting of the militia, military operations, distribution of troops, inspections, armament, military education and instruction, and kindred matters connected with fiscal administration and supply. The Adjutant General shall, from time to time, prepare and publish by the order of the Governor, such orders and regulations, consistent with law, as are necessary to bring the organization, armament, equipment, and

discipline of the Kentucky National Guard to a state of efficiency as nearly as possible approaching that of the United States Army. The Adjutant General shall also prepare returns to the Secretary of War at such times, and in such form, as the Secretary of War may prescribe, and such reports as may, from time to time, be required by the Secretary of War. The State arsenal, all military store houses, places for encampment, and rifle ranges, owned by the State or leased by the State, or the United States for the State, all military property of the State, and all military property of the United States issued to the Governor of Kentucky, shall be immediately under the control of the Adjutant General, under the general direction of the Governor. The Adjutant General shall establish and maintain as part of his office, a bureau of war records in which all records relating to wars and relics shall be kept. He shall be the custodian of all such records, relics, colors, standards, and battle flags, now the property of the State, or in its possession, or which the State may hereafter secure or become possessed of. It shall be the duty of the Adjutant General to index and prepare this law and such regulations as the Governor may add thereto, and have the same printed and distributed for the information and guidance of the officers and enlisted men of the Kentucky National Guard. The Adjutant General shall prepare and submit to the Governor, for the annual period ending on November 30th of each year, a detailed, printed, indexed and bound report of the operations and condition of the Adjutant General's office, the State arsenal and the militia; and which shall contain a complete statement of all funds, both State and United States, showing the appropriations and allotments thereof, and setting forth in detail all receipts from whatsoever source, and all expenditures of whatsoever nature, and the unexpended balances thereof. One copy of said report shall be furnished to each commissioned officer of the active list and the Adjutant General of each of the several states. In the absence or inability to perform the duties of the Adjutant General, the

senior officer on duty in the Adjutant General's office shall perform the duties prescribed for the Adjutant General.

§ 7. Persons Who Constitute—Divided Into Two Classes—The militia of the State of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or of the United States, and shall be divided into two classes: (1) The organized militia, to be known as the Kentucky National Guard. (2) The reserve militia, consisting of all other persons liable to military service.

§ 8. Military Duty—Persons Exempt From.—The members of the Kentucky National Guard who serve, or have served, two consecutive terms, all civil officers, except notaries public, while holding office, and those persons having conscientious scruples against bearing arms, who pay such equivalent for the service as may be prescribed in the proclamation of the Governor calling them into active service, as part of the reserve militia, shall be exempt from military duty, but the enlistment, or re-enlistment of any persons in this section mentioned shall be deemed a waiver of their exemption.

§ 9. Officer—Soldier—Definition—Conviction by Civil Courts.—The word officer, as used in this act, shall be understood to designate commissioned officers; the word soldier shall be understood to include non-commissioned officers, musicians, artificers and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by civil courts, except when military courts are specified.

§ 10. National Guard Units—How Organized.—When it is desired to organize a unit of the Kentucky National Guard in any county, a written application, signed by the minimum

number of eligible persons, which minimumu number shall be prescribed by the Governor, in orders, shall be submitted to the county judge for his written approval. If approved by the county judge, the application shall be forwarded to the Adjutant General. Should the Governor approve the application he shall direct that proper steps be taken to muster the unit into the State service, as part of the Kentucky National Guard. After a unit has been mustered into the service, recruits may be enlisted by such officer as the Governor may designate.

§ 11. Council of Administration—Powers and Duties of. —Each regiment and separate battalion may have a council of administration, composed of its officers, which shall be charged with the care and control of the fiscal affairs of the organization, may adopt suitable by-laws, effective on the approval of the Governor, and may elect not more than twenty-five honorary members for each company, battery, troop, or equivalent unit; said honorary members to be entitled to exemption from jury service, upon their payment annually, or oftener, as the council shall so determine, of a sum not less than ten dollars; and the money thus obtained shall be for the use of the regimental or battalion fund, to be expended by the commanding officer in such manner as, in his judgment, the interests of the organization require. Each unit, not under the control of a regimental or battalion council of administration, may also have a council of administration, composed of its officers, and it shall have the same powers as prescribed herein for a regiment and separate battalion.

§ 12. Temporary Absence of National Guard From State.—When the Kentucky National Guard shall be called into the service of the United States to serve without the State, the Governor shall have power to organize and muster into the service, such force as may be necessary in the temporary ab-

sence of the National Guard, but such force so organized shall be disbanded upon the return of the National Guard to the State.

§ 13. Organization of the Kentucky National Guard.—The Kentucky National Guard shall consist of the general officers commanding the divisions and brigades, where such units are organized, the staff corps and departments necessary to provide staff officers and enlisted men, viz.: An adjutant general's department, an inspector general's department, a judge advocate general's department, a quartermaster corps, a medical department, a corps of engineers, an ordnance department, a signal corps, and such bodies of infantry, field artillery, cavalry, and other arms of the service as may be prescribed by the Governor in orders.

§ 14. Staff Corps and Departments.—Officers of the staff corps and departments shall be appointed from the Kentucky National Guard by the Governor, and, except as hereinbefore provided, shall hold office for a term of three years, or at the will and pleasure of the Governor.

§ 15. Staff of the Governor.—The staff of the Governor shall consist of the Adjutant General and such other officers of the Kentucky National Guard as may be detailed by the Governor.

§ 16. Staff Officers Must Belong to Staff Corps or Department.—Officers on the staff of a division or brigade must belong to some staff corps or department, or to the line, and be detailed for duty on such staff by order of the Governor.

§ 17. Eligibility for Appointment or Election to Commissioned Office.—All officers, except those of the judge advocate general's department, medical department, engineer corps, and signal corps, and chaplains, shall be selected through appoint-

ment or election from the officers and enlisted men of the Kentucky National Guard.

§ 18. Commissioned Staff—Appointment and Removal.—The appointment or removal of staff officers by division, brigade, regimental, or battalion commanders shall become effective when confirmed by orders of the Governor.

§ 19. Medical Officers.—Medical officers shall be commissioned with the grade of first lieutenant, and on completing three consecutive years of service, may be promoted to the grade of captain, and on completion of five consecutive years in that grade, may be promoted to the grade of major, when vacancies exist.

§ 20. Chaplains.—Chaplains shall be commissioned with the grade of first lieutenant, and on completing seven consecutive years of service, may be promoted to the grade of captain.

§ 21. Election of Officers.—Election shall be ordered by the Governor, reasonable notice being given, to fill vacancies that may occur by the expiration of term of office, or otherwise. All officers, except staff corps, department and staff officers, shall be elected by a majority of the votes cast by their respective commands, a majority of the members of their respective commands being present and voting. Elections shall be held by officers designated in orders by the Governor, and a certified statement concerning the result shall be made by such officers, on a form furnished by the Adjutant General, which certified statement shall be immediately forwarded to the Adjutant General, who shall, without delay, cause an order to be issued announcing the name, or names, of the officer or officers elected.

§ 22. Failure to Furnish Bond.—Should any officer fail to qualify by furnishing the prescribed bond, within fifteen

days after his appointment, or election, the office shall be deemed vacant.

§ 23. Examinations.—Before receiving a commission, by reason of an appointment or election, or before being commissioned to a higher grade by result of promotion, an officer of the Kentucky National Guard must have passed a satisfactory physical examination before a designated medical examiner, and a satisfactory examination before a board of examination composed of officers of the Kentucky National Guard, as to his knowledge of military affairs and general knowledge and fitness for the service, and any one failing to pass such examinations shall be dropped from the list of officers and shall not, within the period of one year, be eligible for an office in the Kentucky National Guard, or for promotion; Provided, That general officers, officers of staff departments and corps, and colonels commanding regiments, who have been previously commissioned subsequent to examination, judge advocates and chaplains shall be exempt from any examination other than the physical examination.

§ 24. Term of Office—Date of Rank.—Except as hereinbefore provided, all officers shall be appointed, or elected, for a period of three years, and, in the event of reappointment, or re-election, in the same grade, an officer's rank shall date from the original date of appointment, or election.

§ 25. Seniority.—Seniority in rank shall be determined by the length of continuous service in the same grade, whether by appointment or election.

§ 26. Holdovers.—When a term of office expires without an appointment having been made, or an election having been held, the officer shall continue to hold office until his successor has been appointed or elected and has qualified by furnishing the prescribed bond.

§ 27. Commissions—Oath of Office.—When an officer has fully qualified he shall be issued a commission signed by the Governor, which shall date from the time of his last appointment, or election. Each officer shall, on receiving his commission, take the oath of office prescribed in the Constitution of the State of Kentucky, and in addition thereto, the following: "And I further swear that I will well and truly execute and obey the lawful orders of all officers legally placed over me, when on duty." The oath of office and the obligation prescribed herein shall be administered by any civil officer, competent to administer oaths, who shall endorse on the commission the fact of qualification, and, in addition, shall furnish the officer with a certificate on a form furnished by the Adjutant General, that the oath has been administered and the obligation taken. The certificate shall be immediately forwarded to the Adjutant General.

§ 28. Officers' Uniforms, Arms and Equipments.—Upon being commissioned, officers shall provide themselves with the proper uniform, arms and equipments, prescribed by regulations, and shall maintain same in a state of serviceable condition during their term of office. The uniform or insignia of rank prescribed for the officers of the Kentucky National Guard, shall be worn only by persons entitled thereto, by commission under the laws of the State or of the United States. Any person violating the foregoing provision of this section shall be punished by a fine of not more than one hundred dollars.

§ 29. Retirement of Officers.—Commissioned officers of the Kentucky National Guard shall be retired by order of the Governor with the grade held by them at the time of such retirement, for the following reasons: (a) Upon reaching the age of 64 years; (b) Unfitness for military service by reason of permanent physical disability; (c) Upon request, after ten years' continuous service as an officer in the Kentucky Na-

tional Guard. Retired officers shall not be eligible for active duty or active service, but may be designated as aides on the staff of the commander-in-chief. On all occasions of ceremony, retired officers shall take rank next below officers of the same grade on the active list. A list of the retired officers shall be kept by the Adjutant General and published, with their addresses, in his annual report.

§ 30. Governor's Power to Vacate Commission.—The Governor shall have power to vacate the commission of any officer who absents himself from his command without leave for thirty days, and to discharge in the interests of the service, any enlisted man who absents himself from his command for thirty days, without leave, or who absents himself from four consecutive drills without proper authority.

§ 31. Dismissal of Elective Officers.—The Governor may dismiss any officer who has been convicted of a crime, but in no other case, except as provided herein, shall an elective officer be dismissed from the service without his consent, except on the sentence of a general court-martial or the findings of a board of examination.

§ 32. Resignations.—Resignations of officers must be in writing, addressed to the Adjutant General, and the reasons for tendering such resignation shall be specifically stated. Resignations shall be transmitted through immediate commanding officers, who shall make endorsements thereon, and shall take effect only, when accepted by the Governor and announced in orders.

§ 33. Certificate of Discharge.—Officers discharged from the service of the State shall be entitled to a certificate of discharge, in such form as the Governor may prescribe.

§ 34. Eligibility and Term of Enlistment.—Any able-bodied man of good character, resident of the State of Ken-

tucky, who can read and write the English language, who is between the ages of eighteen and forty-five years and who has passed the required physical examination, which physical examination shall be the same as that required for enlistment in the United States Army, may be enlisted or re-enlisted in the Kentucky National Guard for a term of not less than three years. A man who has been dishonorably discharged, or discharged without honor, from the United States Army, United States Navy, Marine Corps, the organized militia of any other State, or from the organized militia of this State, shall not be eligible for enlistment, or re-enlistment, except he produce the written consent to such enlistment, or re-enlistment, of the commanding officer of the organization from which he was dishonorably discharged or discharged without honor, and of the officer who approved such discharge.

§ 35. Obligation of Enlistment.—No person shall become a soldier in the Kentucky National Guard, except on making oath to, or affirming, an obligation of enlistment of the following form:

STATE OF KENTUCKY.

(STATE SEAL)

City or Town.

.....

I, ..., born in..... in the State of....., aged ..... years and ..... months, and by occupation a ....., Do Hereby Acknowledge to have voluntarily enlisted this ..... day of ....., 19....., as a soldier in the Kentucky National Guard, for the period of three years, unless sooner discharged by proper authority; and do also agree to accept from the United States and the State of Kentucky, such bounty, pay, rations and clothing

as are, or may be, established by law. And I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and the State of Kentucky, and that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the Governor of Kentucky, and the orders of the officers appointed over me, according to the Rules and Articles of War and the laws of the State of Kentucky.

.....(SEAL)

Subscribed and duly sworn to before me this ..... day of ....., A. D. 19.....

.....

.....

Recruiting Officer.

I certify that I have minutely inspected the above-named man, ... previous to his ..... enlistment, and that he was entirely sober when enlisted; that, to the best of my judgment and belief, he fulfills all legal requirements; and that I have accepted and enlisted him into the service of the State of Kentucky, under this contract of enlistment as duly qualified to perform the duties of an able-bodied soldier, and, in doing so, have strictly observed the regulations which govern the recruiting service. This soldier has ..... eyes, ... hair, ... complexion, is ..... feet ..... inches high.

.....(SEAL)

.....

Recruiting Officer.

NOTE.—This enlistment shall be executed in duplicate, one copy to be retained in the records of the organization and the other to be immediately forwarded to the Adjutant General of Kentucky.

§ 36. Non-Commissioned Staff.—The appointment or removal of non-commissioned staff officers by regimental, or battalion commanders, shall become effective when confirmed by orders of the Governor.

§ 37. Non-Commissioned Officers—Appointment.—The requisite number of non-commissioned officers, cooks, musicians and artificers shall be appointed by their immediate commanding officer, subject to the approval of the next higher authority, and they shall be issued warrants, properly certified, on a form prescribed by the Adjutant General. All such non-commissioned officers may be reduced in rank by an order of their immediate commanding officer, approved by the next higher authority. Provided, that first sergeants and company quartermaster sergeants shall be designated by the company commanders from among the sergeants, and may be returned to duty as sergeants, by order of the company commander.

§ 38. Bands.—Bands shall be under the command of the regimental adjutants. An officer shall be designated by the Governor as accountable officer for the military property issued for the use of a band.

§ 39. Transfer of Enlisted Men.—The transfer of an enlisted man from one unit to another, shall be authorized when approved by order of the Governor.

§ 40. Soldier Cannot Enlist.—Any soldier whose contract of enlistment has not expired, shall not enlist in any other organization of the militia, the United States Army, Navy, or Marine Corps, except he be discharged, in accordance with law, from the Kentucky National Guard.

§ 41. Issue of Commission Terminates Enlistment.—The contract of enlistment of an enlisted man shall terminate on the issue to him of a commission as an officer.

§ 42. Authority For Discharge.—An enlisted man shall not be discharged before the expiration of his term of service, except: 1. By order of the Governor. 2. By sentence of court-martial, approved by the Governor.

§ 43. Expiration of Service.—When an enlisted man is discharged for expiration of service, his discharge shall take effect on the last day thereof, i. e., if enlisted on the second day of the month, his term will expire on the first day of the same month, in the third year of his term of enlistment.

§ 44. Discharge Certificate.—A soldier, on his discharge from service, will be given a certificate of discharge, signed by his commanding officer and approved by the Adjutant General.

§ 45. Character.—The character given on a discharge, will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier. If the soldier's service has been honest and faithful, he will be entitled to such character as will warrant his reenlistment—that is, to character, at least, "good." Where the company commander deems the service not honest and faithful, he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall, at the same time, notify the Adjutant General, who will, if requested in writing by the soldier, convene a board of officers, three if practicable, to determine whether the soldier's service has been honest and faithful. The findings of the board, when approved by the convening authority, shall be final.

§ 46. Classes.—Discharge of enlisted men shall be of four classes, viz.: Honorable, in the interests of the service, without honor, and dishonorable.

§ 47. Honorable Discharge.—An enlisted man may be

honorably discharged from the service, upon his own application, approved by his commanding officer.

§ 48. Interests of the Service.—An enlisted man may be discharged in the interests of the service, upon proof that the interests of the service require such discharge.

§ 49. Discharge Without Honor.—An enlisted man may be discharged without honor: (a) Without trial, on account of fraudulent enlistment. (b) Without trial, on account of having been disqualified for service, physically, or in character, through his own misconduct. (c) On account of imprisonment under sentence of civil courts. (d) When the service has not been honest and faithful. (e) When especially ordered by the Governor for any other reason.

§ 50. Dishonorable Discharge.—A dishonorable discharge shall be given only by sentence of a general court-martial approved by the Governor.

§ 51. Certificate of Service.—Upon satisfactory proof of the loss of a discharge certificate, or of its destruction without the fault of the person entitled to it, the Adjutant General may cause to be issued to such person, a certificate of service, showing date of enlistment and discharge from the Kentucky National Guard, and character given on the original discharge certificate.

§ 52. Discharge Takes Effect.—The discharge of an enlisted man takes effect on date of notice to him of such discharge, either actual, by delivery of the certificate of discharge, or constructive, as where such delivery can not be made, owing to his absence for his own convenience, or through his own fault, in which case the receipt of the discharge certificate at its proper station shall be deemed proper notice.

§ 53. Military Fund—What Constitutes—Disbursement of.—There is hereby appropriated the sum of twenty thousand dollars per annum and this sum shall constitute the State Military Fund. Thirteen thousand dollars of said fund shall be paid annually out of any funds in the treasury, not otherwise appropriated, and the remaining seven thousand dollars of said fund shall be paid annually out of the funds heretofore appropriated for the benefit of the Kentucky State Guard by a resolution entitled "Resolution appropriating money to organize, extend the organization and equip the State Guard, and to recover possession of State's munitions of war," which was approved March 13, 1900, until the funds appropriated by said resolutions, or so much thereof as may not have heretofore been expended shall be exhausted, and no part of said fund appropriated by said resolution shall be used except as provided by this act, and thereafter the entire appropriation made by this section shall be paid out of any fund in the treasury not otherwise appropriated. The State military fund shall be disbursed from time to time, by the authority of the Governor, and under such regulation as he shall prescribe for the organization, administration, arming, equipping and uniforming the Kentucky National Guard; for the purchase of tactics, manuals and regulations of the United States; for the instruction of the Kentucky National Guard; for the publishing of regulations and orders for their government; for the rental of armories; for the care and preservation of public property; for the purchase of such camp and garrison equipage, and military stores, as may be necessary; and generally, as, in his judgment, may best promote the interest of the Kentucky National Guard. This appropriation shall remain available until expended, and any balance remaining at the end of one fiscal year shall be carried forward and credited to the State military fund for the succeeding fiscal year.

§ 54. Salaries—How Paid.—The Adjutant General

shall receive an annual salary of two thousand dollars to be paid in monthly installments out of the Treasury; the Major in the Adjutant General's department shall receive an annual salary of fifteen hundred dollars to be paid in like manner as the salary of the Adjutant General; the Arsenal Keeper shall be paid an annual salary of one thousand dollars of which six hundred dollars shall be paid in equal monthly installments out of the State treasury and four hundred dollars shall be paid in equal monthly installments out of State military fund. Salaries of other officers and employes in the Adjutant General's office shall be fixed by agreement between the Governor and the Adjutant General and such salaries shall not in the aggregate exceed one-half of the appropriation known as the State military fund from which these salaries will be paid.

§ 55. Active Service Pay—How Paid.—Except when in the service of the United States, officers and enlisted men, when employed in active service, as provided and as defined in this act, beginning with the day they assemble at their armories, or other designated places, until the day they have returned thereto and have been properly relieved, inclusive, fractional parts of a day counting a full day, a day defined as beginning immediately after midnight and ending the following midnight, shall receive pay and allowances at the following daily rates: Officers—Major general, twelve dollars; brigadier general, ten dollars; colonel, eight dollars; lieutenant colonel, seven dollars; major, six dollars; captain, five dollars; first lieutenant, four dollars and fifty cents; second lieutenant, four dollars; and in addition, the cost of hire of rental of quarters when impracticable to be quartered in tents, and the cost of hire of one horse and one forage ration when required to be mounted; officers shall provide their own rations. Enlisted Men: Chief musician, three dollars; regimental sergeant major, regimental quartermaster sergeant, regimental commissary sergeant, first sergeant, and principal

musician, two dollars and fifty cents; battalion sergeant major, color sergeant, and drum major, two dollars and twenty-five cents; company quartermaster sergeant, sergeant first class, sergeant, and cook, two dollars; corporal and artificer, one dollar and seventy-five cents; musician, private first class, and private, one dollar and fifty cents. Each enlisted man shall be entitled to one ration per day, or commutation of same at actual cost of subsistence not exceeding seventy-five cents per day. The pay and allowances authorized by this section shall be paid out of the treasury on warrant of the Auditor of Public Accounts, on organization pay rolls, or vouchers for individuals, as may be required, certified by the proper commanding officer, and approved by the Adjutant General and the Governor by their own signatures.

§ 56. Not Entitled to Pay for Active Service.—Officers and enlisted men employed in the Adjutant General's office, or in the military service, and who receive a salary for such services from the State, shall not be entitled to additional pay from the State for active service nor for active duty, but shall be entitled to actual cost of subsistence and quarters and proper expenses when serving under orders of the Governor, beyond the limits of the city of Frankfort.

§ 57. Entitled to United States Pay.—The provisions of the preceding section shall not prohibit an officer or enlisted man from receiving pay from the United States for participation in encampments or field service, while in the service of the State.

§ 58. Incurring of Unauthorized Expense.—No officer or enlisted man of the militia shall incur any expense whatsoever, to be paid by the State, except such as are authorized by this act, without first obtaining authority from the Governor; Provided, that in extreme emergencies, the commanding officer of any organization or detachment of the Kentucky

National Guard may procure services and purchase such stores and supplies, as are absolutely required for the immediate use and care of his command; and a report of his action, containing an itemized statement or account of such services procured or stores and supplies purchased, shall be made forthwith to the Adjutant General. The Governor may allow or disallow such accounts, as he shall decide from the officer's report.

§ 59. Receipts Required for Expenditures.—The original receipts, written with ink or indelible pencil, shall be required for every expenditure in the military service, of one dollar or more, where such expenditure is made from private funds with the expectation of securing reimbursement from State funds: Provided, that where it is impracticable to secure such receipt, a certificate shall be attached to the claim setting forth the facts.

§ 60. Military Property Provided.—Except as hereinbefore provided in the case of commissioned officers, all organizations of the Kentucky National Guard shall be furnished, at public expense, with sufficient serviceable arms, uniform, equipments, colors, musical instruments, books of instruction and of record, supplies, camp and garrison equipage, and horses and wagons, necessary for their proper training and instruction, and for the proper performance of military duty and active service. Such expense as is not borne by the United States may be paid from the State military fund.

§ 61. Bonds—Such officers as may be designated by the Governor, shall execute proper bond to the State of Kentucky, in such sum as the Governor may prescribe, and no officer shall be relieved of any bond he may have executed, nor shall his surety be relieved, nor shall his estate be affected in any way, by resignation, discharge, change in official position, or death, until final settlement of all his ac-

counts has been made and a certificate of such settlement issued by the Adjutant General. The Adjutant General shall obtain a surety company bond, or bonds, running to the State of Kentucky, covering such officers as are designated to be bonded, and the premium, or premiums, on said bond, or bonds, shall be paid from the State Military Fund.

§ 62. Returns of Property.—Officers accountable for military property shall make returns of same, in such form, and at such times, as the Governor may prescribe.

§ 63. Property to be Kept in Armory.—All articles of military property furnished for the use of the several organizations of the Kentucky National Guard, shall be kept in the armory of the command, except when in use for authorized military purposes. No article of military property shall be used for other than authorized military purposes.

§ 64. Wearing of Uniform Unauthorized—Discrimination Against—Penalties.—The uniform prescribed for the United States Army, Navy, Marine Corps, Organized Militia, and the Kentucky National Guard, or any part of such uniform, shall not be worn by persons other than members thereof; nor shall the owner, proprietor, manager, or employee of any hotel, opera house, skating rink, or other place of public entertainment or amusement, deny admission to, or in any way, discriminate against any member of the United States Army, Navy, Marine Corps, Organized Militia, or the Kentucky National Guard, on account of his being in the uniform of his rank and service: Provided, however, that nothing in this section of this act shall apply to persons of the theatrical profession while actually engaged in their profession, or cadets of colleges and universities where a course of military instruction is pursued under an officer of the regular army. Any person violating any provision of this section shall, upon conviction, be punished therefor by im-

prisonment in the county jail not exceeding thirty days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment.

§ 65. Unauthorized Use of Military Property.—No officer or soldier shall wear, or use, or have in his possession, except for authorized military purposes, or by special permission of his commanding officer, any uniform, or part thereof, or any other article of military property, belonging to the State or the United States; and any officer or soldier violating any provision of this section shall, upon conviction, be punished therefor by imprisonment in the county jail not exceeding thirty days, or by a fine not exceeding fifty dollars, or by both such fine and imprisonment.

§ 66. Embezzling—Stealing—Purloining—Penalties.—Every officer and soldier shall, immediately after use, return thereto all military property of the State and the United States, issued to him for active duty or active service, and the possession by him when not in active service, or on active duty, or without permission of his commanding officer, of any such property, elsewhere than in the armory, shall be prima facie evidence of embezzlement; and any person who shall embezzle, steal, or purloin any property, record, voucher, or valuable thing whatever pertaining to the military establishment of the State, and belonging to the State or the United States, shall be deemed guilty of felony and on conviction thereof, shall be punished therefor by confinement in the penitentiary not less than one nor more than three years.

§ 67. Receiving—Concealing—Having in Possession—Penalty.—If any person shall receive, conceal, or aid in concealing, or have, or retain in his possession with intent to convert to his own use or gain, any property, record, voucher, or valuable thing whatever, pertaining to the military establishment of the State, and belonging to the State or the

United States, which has theretofore been embezzled, stolen, or purloined from the State by any other person, knowing the same to have been so embezzled, stolen, or purloined, such person shall be deemed guilty of felony and on conviction thereof, shall be confined in the penitentiary not less than one nor more than three years; and such receiver may be tried either before or after the conviction of the principal felony, but if the party has been convicted, then the judgment against him shall be conclusive in the prosecution against such receiver that the property of the State or the United States therein described has been embezzled, stolen, or purloined.

§ 68. Seizure of Property—Presumptive Evidence.—The clothes, arms, military outfits, and accoutrements furnished by the United States, through the agency of the State, to any officer or soldier of the Kentucky National Guard, shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person, not a soldier or duly authorized officer of the State, who has possession of any such clothes, arms, military outfits, or accoutrements so furnished, and which have been the subject of any such barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein, but the same may be seized and taken wherever found by any officer of the State, civil or military, and shall thereupon be delivered to the Adjutant General of the State or other officer authorized to receive the same. The possession of such clothes, arms, military outfits, or accoutrements by any person not a soldier or officer of the State shall be presumptive evidence of such a sale, barter, exchange, pledge, loan, or gift.

§ 69. Money Value of Property to be Charged.—Every officer and soldier of the Kentucky National Guard, who may lose through carelessness or neglect, carry away, or unlawfully dispose of arms, equipments, or other military property

belonging to the State or the United States, and for which he is accountable or responsible, shall be charged with the money value thereof, as determined by an approved report of survey by a surveying officer, or board of survey, designated or ordered by the Governor.

§ 70. Officers Liable.—Officers shall exercise the strictest care and vigilance for the protection of the uniforms, arms, equipments, and other military property, furnished for the use of the several commands, and in case of any loss thereof, or damage thereto, by their neglect or default, as may be determined by approved reports of survey, they and their surety shall be liable on their bonds to the State. They shall also be liable to punishment by sentence of a court martial for neglect of duty.

§ 71. Unauthorized Loan or Transfer.—An officer shall be accountable for all public property, funds, and papers received by him for military use; and shall not dispose of, loan, or transfer the same, or any part thereof, except he be directed and authorized to do so by order of the Governor.

§ 72. Transfer of Property.—An officer of the Kentucky National Guard vacating an office, shall transfer to his successor, or other officer designated by the Governor, all records, funds, papers, and military property in his possession, belonging, or in any way pertaining, to his office.

§ 73. Suits for Recovery of Property.—Suits for the recovery of any records, funds, papers, or military property mentioned in this act, or for the value thereof, or damages thereto, may be brought in any court of competent jurisdiction in this State, in the name of the State of Kentucky, to the use of the officer or soldier entitled to recover the same; any amount so recovered in money, shall be paid into the treasury of the State and be credited to the State military fund.

§ 74. General Courts Martial—Officers.—General courts martial for the trial of commissioned officers shall be ordered and appointed by the Governor, and shall consist of not less than five, nor more than thirteen officers. Such courts shall be governed by regulations prescribed by the Governor, and the findings of the same shall, when approved by the convening authority, be final. Such courts shall have authority to try commissioned officers for disobedience of orders, violations of the laws, rules and regulations governing the Kentucky National Guard; for desertion, absence without leave, embezzlement, conduct unbecoming an officer and a gentleman, and conduct to the prejudice of good order and military discipline. The senior officer of the court shall act as president and one member designated as such by the convening authority, shall act as judge advocate, and shall prosecute in the name of the State. Such courts shall have power to administer oaths, hear and determine cases, and when satisfied of the guilt of the accused party, shall have power, subject to approval by the convening authority, to inflict the following punishments: Reprimand, suspension, fine, forfeiture of pay, dismissal from the service, dishonorable discharge from the service, and confinement. Provided, however, that no fine nor forfeiture of pay shall exceed the sum of two hundred dollars, and no period of confinement shall exceed eight months.

§ 75. General Courts Martial—Enlisted Men.—General courts martial for the trial of enlisted men shall be appointed by the Governor, and shall consist of not less than three, nor more than thirteen officers. Such courts shall be governed by the regulations prescribed by the Governor, and the findings of same, when approved by the convening power, shall be final. Such courts shall have authority to try enlisted men for the following offenses: Disobedience of orders, violations of the laws, rules and regulations governing the Kentucky National Guard; absence from drills, instruction,

encampments, or other duties; the loss, destruction, or misuse of uniform or equipment; desertion, and conduct to the prejudice of good order and military discipline. At a general court martial appointed for the trial of enlisted men, the senior officer shall act as president of such court martial, and one officer designated as such by the convening authority, shall act as judge advocate, and shall prosecute and conduct the case in the name of the State. Such courts shall have power to inflict the following punishments: Fine, forfeiture of pay, reduction to ranks, confinement, dishonorable discharge from the service. Provided, however, that no fine nor forfeiture of pay shall exceed fifty dollars, and no period of confinement shall exceed one month.

§ 76. President of a General Court Martial.—The highest officer in rank present shall act as president of the court martial. Besides his duties and privileges as a member, the president is the organ of the court to maintain order and to conduct its business; he speaks and acts for the court in every instance where a rule of action has been prescribed by law, regulations, or its own resolutions; he administers the oath to the judge advocate, and authenticates by his signature, all acts, orders and proceedings of the court requiring it.

§ 77. Judge Advocate.—The judge advocate shall prosecute in the name of the State of Kentucky, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading questions to any of the witnesses, and to any question to the prisoner, the answers to which might tend to criminate him. In conjunction with the president of the court, he shall authenticate the record by his signature, and at the end of the trial, transmit the same to the convening authority, through the Adjutant General. He shall take no part in the deliberations, findings, or sentence of the court, and shall bear the same relation to the court as a Commonwealth's At-

torney would to judge and jury in a criminal case under the laws of Kentucky.

§ 78. Order Appointing a General Court-Martial.—The order appointing a general court-martial will name its members in order of rank, and they will sit according to rank as announced. A decision of the appointing authority, as to the number that may be assembled, so long as it is five for the trial of an officer and three for the trial of enlisted men, shall not be questioned. The place of holding the court is designated by the authority appointing it.

§ 79. Order Promulgating Proceeding.—The order promulgating the proceedings of a general court-martial, or summary court, and the action of the reviewing authority will, when practicable, be of the same date; when this is not practicable, the order will give the date of the action of the reviewing authority and the date of the beginning of the sentence, or forfeiture. The order will also include so much of the proceedings as will give the charges and specifications, pleadings, findings and sentence, and the actions and remarks of the reviewing authority. An officer or enlisted man awaiting the result of trial will not be paid before the result is known.

§ 81. Sentences—When Operative.—A sentence to confinement, with or without forfeiture of pay, cannot become operative prior to the date of confirmation by the reviewing authority.

§ 82. Record.—Every court-martial shall keep a complete and accurate record of its proceedings, which will be authenticated, in each case, by the signatures of the president and judge advocate. The form of this record and the method of procedure may be prescribed, from time to time, by the Governor in such rules and regulations as he shall see fit to issue. Whenever, by reason of the death, or disability, of the

judge advocate occurring after the court has decided on the sentence, the record cannot be authenticated by his signature, it must show that it has been formally approved by the court and must be authenticated by the signature of the president. The judge advocate shall affix his signature to each day's proceedings. When the records of trial by a general court-martial are written on the typewriter, a copyable ribbon will be used, and, at least two copies of the record will be made, one of which will be furnished the accused.

§ 83. Record—How Transmitted.—The judge advocate will transmit the record and proceedings without delay to the Adjutant General of the State, who shall transmit same to the convening authority.

§ 84. Errors in Preparation of Record or Conclusions of Court.—When the record of a court exhibits error in preparation, or seemingly erroneous conclusion, the reviewing authority may reconvene the court for reconsideration of its action, pointing out defects. Should the court concur in the views submitted, it will proceed by amendment to correct its error and may modify, or completely change, its findings. A reopening of the case by calling, or recalling, witnesses is illegal.

§ 85. Power to Remit or Mitigate.—The power to remit or mitigate punishment imposed by a court-martial, is vested in the authority who convened the court. While the convening authority may remit, or mitigate, a sentence, he shall not change it so as to impose a punishment of a different nature.

§ 86. Reporter.—The employment of a stenographer-reporter may be authorized by the convening authority for all general courts-martial. When a reporter is so employed, he shall be paid from the State military fund, on a voucher certified by the judge advocate of the court at such rate as

may have been agreed upon by the judge advocate and the stenographer-reporter and approved by the convening authority.

§ 86. Interpreters.—The employment of an interpreter may be authorized by the convening authority for all general courts-martial. When an interpreter is so employed, he shall be paid from the State military fund, on a voucher certified by the judge advocate of the court at such rate as may have been agreed upon by the judge advocate and the interpreter and approved by the convening authority.

§ 87. Witnesses—Fee and Allowance.—A witness, if summoned to appear, shall be allowed for each day's attendance on a general court-martial, one dollar. A witness summoned and attending, and who resides more than twenty miles from the place to which he is summoned, shall, when ordered to attend, be allowed four cents per mile going and returning, besides ferriage and tollage in going and returning, in addition to his per diem.

§ 88. Contempt of Court.—Witnesses and officers of courts-martial for a contempt in disobeying the summons of court, or neglecting to execute or make due return of a subpoena or order of court, or for any other contempt, may be fined by the court in a sum not exceeding thirty dollars.

§ 89. Subpoena—How Served.—Subpoena shall be made out in the name of the State of Kentucky, and shall notify the witness of the hour and place at which he is to appear. It shall be signed by the judge advocate of the court and shall be served upon him by the judge advocate of the court, or any peace officer of the State. The judge advocate, or a peace officer, shall make his return of service in the same manner as is provided for the return on a subpoena in the State courts.

§ 90. Oath Taken by Members of a General Court-Martial.—The following oath shall be taken by all members of a general court-martial for trial of officers or enlisted men:

You ....., do swear that you will well and truly try and determine, according to the evidence, the matter now before you, between the State of Kentucky and the prisoner to be tried, and that you will duly administer justice without partiality, favor, or affection; and you further swear that you will not divulge except to the judge advocate, the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in the due course of law. So help you God!

The above oath shall be administered by the judge advocate to every member of a court-martial.

§ 91. Oath of Judge Advocate.—The following oath shall be administered to the judge advocate of every court-martial at the trial of an officer or enlisted man, by the president of the court:

You ....., swear that you will not disclose the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice in due course of law, nor divulge the sentence of the court to any but the proper authorities, until it shall be duly disclosed by the same. So help you God!

§ 92. Oath of Witness.—You ....., swear that the evidence you shall give, in the case now in

hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God!

§ 93. Oath of Reporter.—You swear that you will faithfully perform the duties of reporter to this court. So help you God!

§ 94. Oath of Interpreter.—You swear that you will truly interpret in the case now in hearing. So help you God!

§ 95. Oaths—How Administered.—Witnesses, reporter and interpreter shall be sworn by the judge advocate.

§ 96. Examination of a Member of the Court as to His Competency.—Whenever a question arises under such rules and regulations as may be hereafter prescribed by the Governor, governing the procedure of courts-martial, touching the competency of any member of the court to sit as such, the member shall take the following oath, upon being examined as to his competency to act as a member of said court:

You swear that you will true answers make to questions touching your competency as a member of this court. So help you God!

This oath shall be administered by the judge advocate.

§ 97. Charges and Specifications.—All persons brought before a general court-martial or summary court for trial, shall be tried on properly prepared charges and specifications. A military charge shall correspond to a civil indictment and will consist of two parts: A technical charge which shall designate the alleged offense in general terms, and a specification, which shall set forth and describe the facts constituting same. The charge shall be laid under a statute of Kentucky, or any article, rule or regulation prescribed by the Governor for the maintenance of military discipline. The

specification shall set forth sufficient facts to constitute a particular offense.

§ 98. Charges and Specifications—By Whom Preferred.—Charges and specifications can only be preferred against officers and enlisted men of the Kentucky National Guard, by the Governor or by commissioned officers of the Kentucky National Guard. Charges against officers and enlisted men, forwarded to the authority competent to appoint a general court-martial for their trial, will be accompanied by statement of service, properly filled out, proper evidence of previous conviction, if any, and a brief statement of the evidence expected from witnesses, together with a statement of any other available evidence in the case.

§ 99. Summary Court — Composition. — A summary court shall consist of one officer designated by the commanding officer of the regiment, separate battalion, company or other detachment. When more than one officer is present with the command, the commanding officer shall not designate himself as a summary court.

§ 100. Limits of Punishing Power—Jurisdiction as Regards Persons.—A summary court cannot legally try officers, but it shall have authority to try all enlisted men of the Kentucky National Guard.

§ 101. Powers.—A summary court shall have power to administer oaths, hear and determine cases, and when satisfied of the guilt of the accused party, to judge the punishment to be inflicted for the following offenses: Disobedience of orders, violation of the laws, rules and regulations governing the Kentucky National Guard; absence from drills, instructions, encampments, or other duties; loss or destruction or damaging of arms, uniforms and equipments; desertion, and conduct to the prejudice of good order and military discipline. Such courts shall have power to inflict the follow-

ing punishments: Fine, forfeiture of pay, reduction to ranks, and confinement. Provided, however, that no fine, or forfeiture of pay, shall exceed the sum of fifteen dollars, and no period of confinement shall exceed a period of fifteen days. A summary court, as soon as the trial is concluded, shall record its findings and sentence, and submit the same to the officer appointing the court, who shall, upon his approval of the same, forward same with his approval to the Adjutant General, and upon order of the Governor, same shall be carried into force and effect. Provided, however, that at or during encampments, or when on active duty or on active service, the convening authority shall have the power to approve and carry into effect all sentences of summary courts relating to fines, forfeitures, and confinements, and that the confinement shall be in the guard tent, or guard house, of such regiment, battalion, company or detachment.

§ 102. Place of Confinement.—Any jail or prison of the State designated by the Governor shall be used as a place of imprisonment, or detention, of any person convicted and sentenced to imprisonment by a general court-martial, or a summary court, and every jailer or warden shall, upon notification by the Governor, receive and confine each person so convicted, and shall carry into execution the sentence of such court-martial, or summary court, as if they were the directions and orders of properly constituted civil authorities, ordering the confinement of persons for criminal offenses. The cost of imprisonment, or detention, shall be a proper charge against the county in which the prisoner is confined, and shall be paid for at the same rates as those prescribed for the detention of other prisoners in the county jail. The authority which has designated the place of confinement, may change the place of confinement of any prisoner under the jurisdiction of such authority.

§ 103. Collection of Fines.—All fines and penalties laid

and found by general courts-martial, or summary courts, shall be collectable from pay and allowances due persons so convicted, from the State; and in case it is found that the person so convicted has not to his credit sufficient funds to meet such fines and forfeitures, they shall be collectable in the same manner and by the same means as fines assessed in any other misdemeanor case by a county judge or magistrate. All fines collected on account of trial by courts-martial and summary courts shall revert to, and be paid into, the treasury of the State, and be credited to the State Military Fund.

§ 104. Testimony.—Testimony taken before a summary court will not be reduced to writing.

§ 105. Courts-Martial, Expenses of.—All expenses of a general court-martial, not otherwise provided for herein, shall be payable out of the treasury upon properly certified vouchers, approved by the judge advocate of said court, the Adjutant General and the Governor.

§ 106. Accused Have Right to Counsel.—An accused appearing before a general court-martial, or summary court, shall have the right to be represented by counsel; such counsel may be a commissioned officer of the Kentucky National Guard or any duly licensed lawyer in the State of Kentucky.

§ 107. Boards of Examination.—The Governor may, whenever he may deem that the good of the service requires it, order any commissioned officer before a board of examination, to consist of not less than three, nor more than five, general staff and field officers. Such boards shall have the power of courts of inquiry and courts martial, and shall examine into the moral character, capacity, and general fitness for service of such commissioned officers, and record and return the testimony taken and keep a record of its

proceedings. If the findings of such board be unfavorable to such officer and be approved by the Governor, he shall be discharged from the service. No officer whose grade, or promotion would, in any way, be affected by the decision of such board, in any case that may come before it, shall participate in the examination or decision of the board in such case. Failure to appear, when ordered, before a board constituted under this section, shall be sufficient ground for a finding by such board, that the officer ordered to appear, be discharged, unless sufficient reason be known to the board to account for such failure.

§ 108. Military Subordinate to Civil Power.—The military shall be, at all times, and in all cases, in strict subordination to the civil power.

§ 109. Active Service—Employment of Military Force —Authority to Call Into Service.—It shall be the duty of the Governor, whenever he may deem it necessary for the safety or welfare of the Commonwealth, or when any actual or threatened invasion, insurrection, domestic violence, or other danger to the public interests, make it necessary to employ military force in aid of the civil power of the government, for the enforcement of the law, or to preserve the peace, and the security of the rights and lives, or property of the citizens, to order into active service, so much of the Kentucky National Guard, or military force of the Commonwealth, as he may deem necessary, and he may by his order, prescribe the duty to be performed by the troops, thus called into active service. The Governor may direct the commanding officer of such military force, thus ordered into service, to report to any of the following named civil officers of the district, county, city or town, circuit judge, county judge, or mayor; and such civil officers may direct the specific object to be accomplished by such military force, but the tactical direction, and disposition of troops, and the particular means to

be employed to accomplish the object, shall be left solely to the officers of the militia.

§ 110. Civil Officers Have Authority.—Civil officers have authority in case of breach of the peace, riots, mobs, great calamity, resistance to the process of the State, or imminent danger thereof, or imminent danger of violence to life or property, any one of the civil officers named in the next preceding section may, by written order to the commanding officer of any division, brigade, regiment, battalion, or company, or other unit of the Kentucky National Guard, order into active service such part of the National Guard, to be specified in his written order, as such civil officer may deem necessary to assist the civil authorities to enforce the law, and to prevent violence to persons or property. Provided, however, that such civil officer shall have such authority only in case of emergency, when in his judgment, it is impossible or impracticable, to communicate with the Governor, in time to prevent threatened violation of law or damage to person or property. Such officer and the commanding officer of the troops ordered into service by him, shall, as soon as possible, report said facts and circumstances relating thereto, to the Governor, and the Governor shall take such action as he may deem necessary. Troops shall not be relieved from active service except by order of the Governor.

§ 111. Use of Arms—Self Defense Only.—In all cases where the militia is ordered into active service, it shall use every reasonable and proper endeavor to accomplish the purpose for which it is called into active service, without resorting to violence or the use of arms, and the commanding officer will resort to the use of arms only in self defense of the troops, or as the final and only means of maintaining the law, and preventing violation thereof.

§ 112. Bounds—Selling Liquor — Penalties. — When-

ever any portion of the militia shall be ordered into active service, or active duty, under this law, the commanding officer may fix certain bounds within which no person shall enter without leave; and whoever intrudes within such limits, when forbidden to do so, or after entering by permission, conducts himself in a disorderly manner, or whoever resists a sentry, or soldier, acting under orders to prevent such entry, or to prevent disorderly conduct, may be arrested by the commanding officer, or by his order, and turned over to the civil authorities for trial, upon conviction of the offense, shall be punished by a fine of not more than one hundred dollars, and committed until such fine is paid, or, if any person shall temporarily erect any stand, booth or other structure for the purpose of exposing for sale, giving, bartering or otherwise disposing of, any spirituous or intoxicating liquors whatsoever, at or within the distance of two miles from any encampment, or place of assembly or other military service or duty, he may be placed immediately under guard and kept at the discretion of the commanding officer, and such commanding officer may turn over such person to any police officer or constable of the city or county, wherein such duty, service, encampment, or other assembly is held, for examination or trial before any court of justice having jurisdiction of the place, and upon the conviction of the offense, he shall be punished by a fine of not more than one hundred dollars, and be committed until such fine is paid.

§ 113. Military Forces to Have Right of Way—Receptions.—United States forces or troops, or any organization of the Kentucky National Guard, parading or performing any duty according to law, may have the right of any highway or street through which they may pass. Provided, the carriage of the United States mail, the legitimate functions of the police, and the progress and operation of fire engines and fire departments, shall not be unnecessarily interfered with thereby.

§ 114. Officers Refusing to Obey Orders.—Any militia officer who shall refuse or neglect to obey any order, lawfully issued as provided in this act, or who shall hinder, interfere with, or prevent any other officer or soldier from performing such duty, or in any manner, by neglect prevent the due execution of the law, shall be deemed guilty of a misdemeanor, and on conviction, be punished by á fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

§ 115. Enlisted Man Refusing to Obey Orders.—Any soldier of the militia or officer who shall refuse, or neglect to obey the orders of his commanding officer, issued, as provided in this act, or who shall hinder, interfere with, or prevent, any officer, or other soldier from performing any duty under such order, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not exceeding thirty days, or by both such fine and imprisonment.

§ 116. Trial and Conviction in Court.—Upon affidavit and complaint being filed with any county judge, police judge, or magistrate, by any officer of the Kentucky National Guard, any soldier of the Kentucky National Guard who shall fail or refuse to obey any lawful order of any officer or non-commissioned officer placed over him, or shall violate any law, rule or regulation governing the Kentucky National Guard, or shall absent himself from any drill, assembly for instruction, encampment, inspection, or other duty or service, which he may have been ordered to attend, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding fifteen dollars, or imprisoned in the county jail not exceeding fifteen days, or both so fined and imprisoned. No appeal shall lie to any

court from any conviction under this section, but a conviction or acquittal in any civil court shall bar a prosecution for the identical offense in any military court. The jurisdiction of general courts-martial and summary courts shall not be affected by this law, further than to allow any commissioned officer of the Kentucky National Guard to begin any prosecution he may see fit against any enlisted men in any of the civil courts herein mentioned.

§ 117. Active Service Defined.—Troops ordered into service as prescribed in this act, for the endorsement of the law and for the preservation of the peace and the security of the rights and lives, or property, of citizens, shall be deemed to be in active service. Officers employed under orders of the Governor in making tours of instruction, inspections of troops, armories, store houses, camp sites, rifle ranges, and military property; in holding elections, mustering in, or mustering out troops; making surveys on military property; sitting on general courts-martial, boards of examination, courts of inquiry, or boards of officers, shall be deemed to be in active service. Orders in every case shall specify if pay and travel are allowed, and the expenses allowed.

§ 118. Reserve Militia—When May Be Called Out—Duty of Sheriff Concerning.—Whenever it would be lawful, under the provisions of this law, for the Governor to call into active service, the Kentucky National Guard, he may, if in his judgment, the services of the Kentucky National Guard would be, or are unequal to the emergency, call out the militia, and shall, by public proclamation, summon all, or any number of them, to be assembled by the sheriff at any point, or points, within the county or respective counties that may be designated by the proclamation; and thereupon the sheriff, on pain of a fine of one thousand dollars for refusal or neglect, shall summon the members of the reserve militia within his county, as he would summon a civil posse, and

under similar penalties against those who fail to obey his summons. But should the Governor's proclamation call for only a part of the reserve militia of any county, the sheriff may first call for volunteers therefor, and if that should appear to be inexpedient, he shall summon the members of the reserve militia to assemble in their magisterial districts, and there determine, under the supervision and control of a justice of the peace, by lot, who shall be selected to fill the quota of that magisterial district.

§ 119. Assessors to Enroll Persons Liable to Duty When Required.—When the Governor, by public proclamation, so commands, it shall be the duty of the assessor to enroll the names of all persons liable to duty in the reserve militia, and by such time as said proclamation may prescribe, shall transmit said rolls to the Adjutant General of the State.

§ 120. Assessor— Compensation of—Penalty. — When such service is required of the assessor, he shall be allowed one cent for each name returned by him, to be paid out of the State treasury. And if the assessor neglects or refuses to render said service when so required, he shall be subject to a fine of not more than five hundred and not less than one hundred dollars.

§ 121. Reserve Militia Organization—Election of Officers—Laws That Govern.—Whenever the whole or any part of the reserve militia shall be called out in any county, and it has been determined by summons, or by lot, or by volunteering, who shall perform duty, those from each magisterial district shall, at once, under the supervision of the magistrate, or, in his absence, under the supervision of the presiding officer chosen by themselves, proceed to organize themselves into one or more companies of not less than fifty men, unless there be fewer than that number all told, and

shall elect officers provided for in the Kentucky National Guard organization, and the captain shall appoint the usual non-commissioned officers. When so organized, they shall be conducted to a general place of rendezvous, where such other organization shall be made and officers elected as may be necessary under the militia law, or as may be directed by the Governor.

§ 122. Regulations That Govern.—The reserve militia so called into service shall become subject to the same laws and regulations as the members of the Kentucky National Guard.

§ 123. Not Liable to Civil or Criminal Action.—Officers and enlisted men of the militia ordered into active service of the State by proper authority, shall not be liable civilly, or criminally, for any act, or acts, done by them in pursuance of duty in such service.

§ 124. Active Duty Defined.—Troops engaged in drill at their home station, or participating in any camps of instruction, camps of rifle practice, practice marches, parades, reviews, expositions, celebrations, or other public exercises, or engaged in escort duty, or other duties not hereinbefore specified, shall be deemed to be on active duty, and no expenses that may arise through such active duty shall, except as hereinafter provided, be made a charge against the treasury.

§ 125. Governor May Authorize Parades—Voluntary Service.—The Governor may authorize all, or any part, of the Kentucky National Guard to participate in any parade, review, exposition, celebration, or other public exercises, or to serve for escort duty, and such expenses incidental thereto, as he may authorize, may be paid from the State military fund.

§ 126. Drills—Encampments and Practice Marches.—The Kentucky National Guard shall, except when excused by the Governor, perform not less than five consecutive days of camp or field service, or in practice marches, in each year, at such times and at such places as may be designated by the Governor, and such expenses, as he may authorize, as are not a proper charge against the United States, may be paid from the State military fund. Each officer and enlisted man shall assemble for, and participate in, drill or other instruction, at the armory, or other designated place, for the organization of which he is a member, at least once in each week, unless excused by competent authority.

§ 127. Inspection to be Made Each Year.—The Inspector General, or such other officers as the Governor may designate, shall inspect, at least once in each year, and oftener, if the Governor shall deem it necessary, all headquarters, arsenals, store houess, armories, organizations, and all military property belonging to the State, and military property that has been issued to the State by the United States, and such inspector, or inspectors, shall render a detailed report to the Adjutant General of the condition of same.

§ 128. Armories — How Provided. — Where militia organizations have been, or may hereafter be, organized in any county of this State, the fiscal court, or corresponding body of said county, shall provide and maintain at the cost of the county, an armory, which shall consist of a suitable hall for assembly and drill, or other exercises, and suitable rooms annexed thereto for the meetings of the command, or commands, for administrative work, and for the storage and safe keeping of public property; and which shall be at all times accessible to the local commanding officer of the militia, and to those who may be authorized by him. Said fiscal court, or corresponding body, shall provide and maintain at

the cost of the county, for every such armory, the necessary heating apparatus, fuel, improved modern lights for illumination, water, plumbing, telephone service, and repairs; and it shall be the duty of the Attorney General to institute proceedings against any county that fails to provide and maintain an armory as provided by this section. The Adjutant General shall be the sole judge as to deciding on the fulfillment of the requirements of this section, and his decision shall be final.

§ 129. No Military Property to be Issued.—No organization shall be furnished with arms, equipments, or any public property until safe and adequate facilities for the keeping of arms, equipments, and public property have been provided and accepted, subsequent to inspection by an officer designated by the Governor.

§ 130. Armory Under Control of Commanding Officer.—Every armory, drill hall, or parts of buildings occupied, or used by the Kentucky National Guard for military purposes, shall, during the period of its occupancy for such purpose, be under the control of the commanding officer so using same, and any person who intrudes or enters therein contrary to his orders, or who molests or obstructs the troops, or any of them, so occupying such premises, shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not exceeding one hundred dollars; and it shall be lawful for such officer to arrest such person and turn him over to the civil authorities for trial.

§ 131. Free Passage Through Toll Gates, Bridges, and Ferries.—Any person belonging to the Kentucky National Guard, going to, or returning from, any parade, encampment, drill, or meeting, which he may be required by law to attend, shall, together with his conveyance and the military property of the State in his charge, be allowed to pass free through

all toll gates and over all toll bridges and ferries, if he be in uniform, or presents an order for duty or certificate of membership in the organized militia.

§ 132. Exemption From Jury Service.—The officers and enlisted men of the Kentucky National Guard are exempt from jury service.

§ 133. Exemption from Arrest.—No officer or enlisted man shall be arrested on civil process, except in case of felony, while going to, remaining at, or returning from, a place where he is ordered to attend for election of officers or for military service or duty.

§ 134. Soldiers May be Arrested and Confined—The commanding officer of any brigade, regiment, battalion, company, troop, battery, or detachment, may arrest, or cause to be arrested by other members of the militia, any member of his command for the violation of any order, regulation or law for the government of the Kentucky National Guard, and may authorize and direct, in writing, any constable, police officer, sheriff, or deputy sheriff, of the city or county wherein such violation occurs, to arrest such delinquent member; and such commanding officer may turn over to any constable, police officer, sheriff, deputy sheriff, or jailer, any member of his command so arrested or caused to be arrested by him, and such constable, police officer, sheriff, deputy sheriff, or jailer shall hold such man so arrested by him or turned over to him as aforesaid, in his custody or in confinement in the county jail until he has been tried by the proper court-martial, or civil court or has been discharged by the proper authority, and for a period not exceeding five days. Any member so arrested may be confined awaiting trial, as prisoners are held charged with misdemeanor, or may be admitted to bail by the officer holding him in arrest or custody, upon giving good surety, to be approved by such officer, in the sum of fifty dollars, or less, if his com-

manding officer consent thereto, conditioned that the arrested member will appear at the time and place fixed for the trial of his case, and, in the event of his failure to so appear, the amount of said bond to be forfeited, to be recoverable as the penalties in other bonds, and to be paid into the Treasury of the State. The cost of confinement of such member of the militia, so arrested, shall be paid by the county in the same manner as other misdemeanor cases.

§ 135. Failure of Civil Officers to Act.—It is hereby made the duty of all justices of the peace, police judges, constables, police officers, sheriffs, deputy sheriffs, jailers, and other civil officers to perform the duties herein required of and imposed upon them, whenever so requested by an officer of the Kentucky National Guard having the authority so to do as herein provided, and any civil officer above named, who shall wilfully fail or refuse to perform any duty required of him pursuant to this act, shall be guilty of a misdemeanor, and upon conviction, in any court of competent jurisdiction, shall be fined not less than one hundred dollars and not exceeding five hundred dollars.

§ 136. Penalty for Assembly or Drilling With Arms Without License—Exceptions.—It shall be unlawful for any body of men whatsoever other than the regular organized militia of this State and the troops of the United States, to associate themselves together as a military company, or other armed organization, or to drill or parade with arms anywhere within the State without the license of the Governor thereof, which license may, at any time, be revoked; Provided, that nothing herein contained shall be construed to prevent benevolent or social organizations from wearing swords, or students in educational institutions, chartered under the laws of the State, wherein military science is part of the course of instruction, from drilling and parading with arms in public, under the superintendence of their instructors. Whoever of-

fends against the provisions of this section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine of not less than ten nor more than fifty dollars, or imprisoned in the county jail for a term not exceeding six months or both.

§ 137. Duty of Commonwealth Attorneys and County Attorneys.—It is hereby made the duty of the Commonwealth Attorneys and county attorneys, upon the request of any commanding officer of the Kentucky National Guard, to render legal advice, and assistance to such commanding officer, with reference to his powers and duties, under this act, and assist in prosecutions under this act.

§ 138. Unauthorized Parades—Voluntary Service.—No parade or voluntary service shall be performed by any company, or part thereof, under arms, or in uniforms, without the approval of the regimental commander, or higher authority.

§ 139. Disabled in Active Service or on Active Duty.—An officer or enlisted man becoming disabled while in active service, or on active duty, shall be furnished, under the direction of the commanding officer, with medicines and proper medical attendance until he has been returned to his residence; the cost of such medicines and medical attendance shall be a proper charge against the State, and shall be paid from the Treasury on properly certified and approved vouchers.

§ 140. Dying in Active Service or on Active Duty.—The body of an officer or enlisted man, who dies while in active service, or on active duty, while his command is absent from its home station, shall, under the direction of his commanding officer, be properly prepared for burial, enclosed in a suitable casket, and escorted to his late residence, by a proper escort; Provided, That the total cost of embalming and preparing the body for burial, and cost of the casket, combined, shall not

exceed the sum of one hundred dollars. The cost of such preparation for burial and casket shall be a proper charge against the State, and shall be paid from the Treasury on properly certified and approved vouchers.

§ 141. Confederate Records.—The Adjutant General of the State of Kentucky is hereby directed to gather all the data obtainable concerning the different organizations, who enlisted or served in the Army of the Confederate States in the War of the Rebellion, compiling the same by regiment, battery, troop, and company in the usual form of reports of Adjutants General made heretofore in this Commonwealth in regard to other similar organizations, and adding thereto such other information as he may deem best; and he will enter same upon a book to be kept in his office as a public record, giving regiments, etc., in their consecutive number, and he will cause same to be printed in a book to be well bound in cloth and furnish one copy to each county clerk of this Commonwealth and one copy to each Adjutant General of the several Commonwealths of these United States, preserve a reasonable number for his office and the State Library, and cause a suitable number to be printed and placed with the State Librarian for a price to be agreed upon by and between the said Adjutant General and Librarian. The book containing a list of Confederate Volunteers shall be labeled on the title page and on the outside cover, "Confederate Kentucky Vounteers, War 1861-'65." In compiling this record, the Adjutant General shall be allowed actual expenses in gathering data of the Confederate Veterans and expense of copies of the War Department record, and the assistance of a clerk or stenographer in compiling same, at a salary to be agreed upon by the Governor and the Adjutant General. The printing made necessary under this resolution shall be done by the public printer, and he shall receive the same pay therefor and be paid in the same manner as other printing is paid for. Any and all expenses arising under this resolution shall be paid out of the general expense fund, and

the Auditor shall draw his warrant in favor of the person to whom same is due, upon accounts approved by the Adjutant General and Governor. (This section is a part of a joint resolution of March 27th, 1902.)

§ 142. All acts and parts of acts inconsistent with this act, shall be, and are hereby repealed.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	David J. Howard	S. Mazyck O'Brien
H. F. S. Bailey	J. M. Howell	A. J. Oliver
G. G. Brashear	R. B. Jackson	William A. Perry
W. H. Brown	T. R. Jones	Geo. L. Pickett
E. Bullock	W. H. Jones	A. B. Pieratt
R. A. Cook	Wm. J. Kuh	J. D. Pumphrey
A. S. Cooper	W. T. Lasley	Harry P. Purnell
S. B. Coleman	Dr. J. E. Lilly	Richard Radcliffe
W. P. Cropper	Dr. C. W. Mathers	D. S. Richardson
H. C. Cummins	Jacob Metzger	John T. Roach
S. C. Dobbs	Harry J. Meyers	L. M. Smith
Jas. R. Dorman	Claude D. Minor	Claude B. Smith
William Duffy	G. B. Moores	John W. Snider
J. R. Durham	B. F. McAtee	Adam Spahn
J. M. Elliston	E. B. McGlone	Ed. D. Stone
L. L. Embrey	W. J. McMurray	R. C. Tartar
W. G. Gooch	L. T. Neat	Robt. R. Treadway
W. C. G. Hobbs	C. B. Nichols	D. B. Tyra

J. W. Wall	J. D. Wills	E. G. Young
John S. Webb	M. O. Wilson	
W. M. Webb	Louis E. Yewell	—61

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 109. An act to amend and re-enact subsections 2, 4, 5, 8, and 10 of section 3727a, Kentucky Statutes, 1915 edition.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 2 of section 3727a, Kentucky Statutes, 1915 edition, be and the same is hereby amended and re-enacted so as to read as follows:

Said board of examiners shall immediately after their appointment, or as soon as practicable therafter, meet in the city of Frankfort and organize by the election of one of their number as president, and a secretary and treasurer who shall likewise act as inspector of training schools for nurses in this State. Three members shall constitute a quorum for the transaction of business, and said board shall have the right to enact such by-laws as may be necessary for their government, not in conflict with the laws of this State.

§ 2. That subsection 4 of said above mentioned section be amended and re-enacted so as to read as follows:

The salary of the secretary shall be fixed by the board, and shall not be less than one hundred dollars nor more than twelve hundred dollars per annum. The other members of the board shall receive five dollars per day for each day actually engaged in attendance upon the meetings of said board, and the expenses incurred in going to and coming from the place of meetings, and inspection of training schools for nurses, and all legitimate and necessary expenses incurred in performance of duties. All expenses of the board, including all salaries and compensation, shall be paid from the fees received by said board by the State Treasurer upon monthly itemized statements, of salaries and expenses, submitted to the State Auditor, out of said fund exclusively. A report of all receipts and expenditures shall be made to the Governor on or about December 15th of each year after the passage of this act. All moneys and receipts of such board shall be kept in a special fund by and for the use of said board exclusively by the Treasurer of the Commonwealth of Kentucky.

§ 3. That subsection 5 of said above mentioned section be and the same is amended and re-enacted so as to read as follows:

It shall be the duty of the board to meet for the purpose of holding examinations not less than once in each year at such time and place as they may determine, and the board may adopt rules for its government and examination of applicants for registration in accordance with the provisions of this act. Notice of the meetings of said board shall be published in two newspapers of general circulation, and in at least one journal devoted to the interests of professional nursing, and after applicants are received, notice by mail to every applicant and to every reputable training school in this State at least

thirty days prior to the meeting. At such meeting it shall be the duty of said board to examine all applicants for registration under the provisions of this act, as are required to be examined, and to issue to each duly qualified applicant who shall have complied with the provisions of this act and passed such examination, a certificate of registration. Any person to whom a certificate of registration shall be issued shall, within thirty days thereafter, cause the same to be recorded with the county clerk of the county in which such person resides at the time of application, and such person shall be prepared, whenever requested, to exhibit such certificate or a certified copy thereof. Registered nurses changing residence, in this State, must present certificate of registration to the county clerk of the county of their new residence within thirty days of the time of establishing such new residence. All applicants for registration shall furnish satisfactory evidence that he or she is at least twenty-two years of age, of good moral character, and has been graduated from a school for nurses connected with a special hospital, or infirmary, or general hospital approved by said board, where a systematic course of at least three years instruction is given, and such applicants shall produce satisfactory evidence that he or she has had at least one year's training in a high school or some school equivalent to a high school, except in cases hereinafter provided for, and all persons registered under the provisions of this act shall pay to the treasurer of said board a registration fee of ten dollars, which shall accompany the application, and shall annually thereafter pay to said treasurer a renewal fee of one dollar, all of which shall be covered into the State Treasury. The said board shall have full discretion to determine whether any hospital or infirmary with which applicants must have been connected meets the requirements of this act, and if said board is of the opinion that any such hospital or infirmary does not furnish the proper training or instructions to applicants having been connected therewith, the board may refuse to register such applicants.

Any certificate issued in another State under the laws of such State requiring registration which may be obtained in such State under like or similar standard to that required in this State, shall be recognized by said board as valid in this State, provided the certificates of registration issued in this State are recognized in such other State, and any nurse holding such a certificate from another State may be registered in this State without examination upon the payment of a fee of ten dollars. Said board is given full power to determine whether any nurse permitted to register under the provisions of subsection 7 of section 3727a, Kentucky Statutes, without examination on or before August 1, 1914, had a good and sufficient reason for not being able to register on or prior to said date, and if said board finds that any nurse was entitled to registration without examination on or prior to said date and was prevented from so registering by reason of any matter or thing over which said nurse had no control, said board shall register such nurse the same as if he or she had applied in the time required by said section.

§ 4. That subsection 8 of the above mentioned section be and the same is hereby repealed.

§ 5. That subsection 10 of the said above mentioned section be amended and re-enacted so as to read as follows:

The said board of examiners may refuse to issue a certificate of registration provided for in this act for any of the following causes:

1. Presentation to the board of any license, certificate or diploma which was illegally or fraudulently obtained, or the practice of fraud or deception in passing an examination.

2. Chronic or persistent inebriety or addition to a drug habit, which disqualifies the applicant to practice with safety to the public.

3. Any act of dishonesty, or gross incompetency, or any act derogative to the standing or morals of the nursing profession, or any other grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public, and said board may revoke a certificate for any of the causes for which it may refuse to grant a certificate under the provisions of this act.

§ 6. All laws and parts of laws in conflict with this act are hereby repealed.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

G. G. Brashear	L. L. Embrey	G. B. Moores
E. Bullock	W. G. Gooch	B. F. McAtee
R. A. Cook	J. S. Hall	E. B. McGlone
A. S. Cooper	W. C. G. Hobbs	W. J. McMurray
S. B. Coleman	David J. Howard	L. T. Neat
W. P. Cropper	J. M. Howell	C. B. Nichols
R. T. Crowe	R. B. Jackson	S. Mazyck O'Brien
H. C. Cummins	J. M. Johnson	A. J. Oliver
S. C. Dobbs	T. R. Jones	William A. Perry
Jas. R. Dorman	H. Clay Kauffman	Geo. L. Pickett
W. E. Dowling	Dr. J. E. Lilly	A. B. Pieratt
William Duffy	W. R. Lyon	W. A. Price
J. R. Durham	Jacob Metzger	J. D. Pumphrey
J. M. Elliston	Harry J. Meyers	Harry P. Purnell

D. S. Richardson	Thomas Spurrier	W. M. Webb	
John T. Roach	R. C. Tartar	Frank M. White	
Lewis Ryans	Robt. R. Treadway	M. O. Wilson	
Claude B. Smith	F. C. Trivette	E. G. Young	
John W. Snider	J. W. Wall		
Adam Spahn	John S. Webb		—58

Those who voted in the negative were—

W. H. Brown	Ed. D. Stone	J. D. Wills	—3

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill of the following title, viz.:

S. B. 248. An act to amend and re-enact section 1486, Carroll's edition of the Kentucky Statutes of 1915, entitled: Registration in certain cities and towns.

Mr. Meyers indicated the hour of adjournment.

And then the House adjourned.

EVENING SESSION

At 7:30 o'clock the House reconvened.

The House took up for consideration the unfinished business of the previous session, to-wit:

S. B. 248. An act to amend and re-enact section 1486, Carroll's edition of the Kentucky Statutes of 1915, entitled: Registration in certain cities and towns.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1486 of the Kentucky Statutes be, and the same is hereby amended by inserting after the word "Classes" in the second line of said section, the following, viz.:

"And in all counties containing a city of the first class including that portion of said counties outside the corporate limits of said cities of the first class, within the county boundary."

And by inserting after the word "Towns" in the fourth line of said section, the following, viz.:

"And counties containing a city of the first class," so that said section when amended shall read as follows:

In all cities and towns of the first, second, third and fourth classes, and in all counties containing a city of the first class including that portion of said counties outside the corporate limits of said cities of the first class, within the county boundary, there shall be a registration of all the qualified voters of the respective cities and towns, and counties containing a city of the first class, which registration shall be held and conducted as herein provided.

Mr. Bailey offered the following amendment, by way of substitute therefor, to said bill, viz.:

Amend Senate Bill 248 as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1486, Kentucky Statutes, Carroll's edition 1909, be, and the same is hereby amended by repealing said section and re-enacting same to read as follows:

In all cities and towns of the first, second, third and fourth classes and in all counties containing a city of the first, second or third class, including that portion of said counties outside of the corporate limits of said cities of the first, second and third class within the county boundary, there shall be a registration of all the qualified voters of the respective cities and towns and counties containing a city of the first, second and third class, which registration shall be held and conducted as herein provided: Provided, however, that no registration shall be had in any county in which there is a city of the second or third class outside of the said city unless a petition be filed in the office of the county court clerk on or before the first Monday in June of the year in which said registration is to be held, signed by at least ten (10) legal voters in each precinct in said county outside of such cities, requesting that such registration be had for said county outside of such city and in that event the county judge shall make an order on the county order book calling for a registration throughout such county, outside of said city, and which registration shall be held on the day of the State primary election, if any State primary election is to be held in said county in said year and by the same officers who held the primary election, except, that one additional clerk shall be appointed who shall be clerk of the registration in each precinct outside of any such city or town and the primary election officers shall be the registration officers, but, if no primary election is to be held in the said county in any year in which such registration is called, then the election commissioners shall appoint registration officers for each precinct in said county as herein provided for cities,

who shall hold such registration outside of such cities on the day provided by law for holding primary elections.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Lyon offered the following amendment to said substitute, viz.:

Amend S. B. 248 by adding the following: If any person shall buy or sell any registration certificate he shall upon conviction be confined in the penitentiary one year.

The Speaker stated that the amendment to said substitute was not germane and, therefore, ruled out of order.

Said amendment, by way of substitute therefor, was disagreed to.

Mr. Cook moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. C. G. Hobbs	C. B. Nichols
H. F. S. Bailey	A. B. Holland	S. Mazyck O'Brien
Geo. B. Barrett	David J. Howard	William A. Perry
C. H. Bays	J. M. Howell	A. B. Pieratt
Frank J. Brown	Chas. L. Hunter	J. D. Pumphrey
Henry A. Cannon	J. M. Johnson	Richard Radcliffe
R. A. Cook	T. R. Jones	D. S. Richardson
A. S. Cooper	H. Clay Kauffman	John T. Roach
S. B. Coleman	Wm. J. Kuh	L. M. Smith
W. P. Cropper	W. T. Lasley	E. D. Smith
R. T. Crowe	M. E. Lee	Claude B. Smith
S. C. Dobbs	Dr. J. E. Lilly	John W. Snider
Jas. R. Dorman	W. R. Lyon	Adam Spahn
W. E. Dowling	Dr. C. W. Mathers	J. Wood Vance
William Duffy	Jacob Metzger	John S. Webb
J. R. Durham	Harry J. Meyers	W. M. Webb
J. M. Elliston	Claude D. Minor	J. D. Wills
T. T. Gardner	S. Montgomery	Louis E. Yewell
W. G. Gooch	John T. Murphy	E. G. Young
J. S. Hall	B. F. McAtee	
W. B. Harvey	W. J. McMurray	—61

Those who voted in the negative were—

Chas. D. Bratcher	E. B. McGlone	R. C. Tartar
G. G. Brashear	A. J. Oliver	Robt. R. Treadway
W. H. Brown	Harry P. Purnell	J. W. Wall
Wm. Gearheart	Lewis Ryans	Frank M. White
Frank C. Greene	Joe Schneider	M. O. Wilson
R. B. Jackson	Thomas Spurrier	
G. B. Moores	Ed. D. Stone	—19

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 151. An act to amend section 694 of the Civil Code of Practice.

H. B. 424. An act for the benefit of the Kentucky Normal and Industrial School for Colored Persons.

With an amendment thereto.

Said amendment reads as follows:

Resolved, that House Bill No. 424 do pass with the following amendment thereto, viz.:

"Amend House Bill 424 in section one, line two, by striking therefrom the following words 'official year' and 'for each' and substitute in lieu thereof the following words 'fiscal year' 'and the.' "

Mr. Hobbs moved that the House concur in said Senate amendment to said House Bill 424.

Said motion was agreed to.

(For said bill see House Journal of March 9th.)

The amendment as proposed to House Bill 424 was then concurred in.

The question being taken on the passage on said bill as amended it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	David J. Howard	Harry P. Purnell
C. H. Bays	R. B. Jackson	Richard Radcliffe
Chas. D. Bratcher	T. R. Jones	D. S. Richardson
G. G. Brashear	Wm. J. Kuh	Lewis Ryans
Frank J. Brown	Dr. J. E. Lilly	Joe Schneider
W. H. Brown	Dr. C. W. Mathers	E. D. Smith
R. A. Cook	Jacob Metzger	Claude B. Smith
A. S. Cooper	Harry J. Meyers	John W. Snider
S. B. Coleman	Claude D. Minor	Adam Spahn
W. P. Cropper	G. B. Moores	Ed. D. Stone
R. T. Crowe	John T. Murphy	Bannie Tabor
James S. Cruse	B. F. McAtee	R. C. Tartar
H. C. Cummins	E. B. McGlone	F. C. Trivette
S. C. Dobbs	W. J. McMurray	J. W. Wall
W. E. Dowling	C. B. Nichols	W. M. Webb
William Duffy	S. Mazyck O'Brien	Frank M. White
J. M. Elliston	William A. Perry	M. O. Wilson
T. T. Gardner	A. B. Pieratt	Louis E. Yewell
Wm. Gearheart	W. A. Price	E. G. Young
C. H. Grimes	J. D. Pumphrey	—59

There voted in the negative—

John T. Roach —1

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Also that they had concurred in the House amendments to Senate Bill 130.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 318. An act to amend an act entitled, "An act to amend an act entitled, 'An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrants shall be paid,' approved May 8, 1897, by repealing said act and re-enacting a substitute therefor," which was neither approved nor disapproved by the Governor, being chapter 72 of the Acts of 1910, and to amend an act entitled, "An act to amend section 3 of chapter 72 of the Acts of 1910," approved by the Governor on March 17, 1914, being chapter 27 of the Acts of 1914, by repealing both of said acts and enacting a substitute therefor.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act entitled "An act to amend an act entitled 'An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrants shall be paid,' approved May 8, 1897, by repealing said act and enacting a substitute therefor," which act was neither approved nor disapproved by the Governor, being chapter 72 of the Acts of 1910, and "An act to amend section 3 of chapter 72 of the Acts of 1910," approved March 17, 1914, being chapter 27 of the Acts of 1914, be and both of said acts are hereby repealed, and in lieu thereof the following is enacted:

§ 2. The Treasurer shall receive, in payment of claims against the State of Kentucky, the warrants for current pur-

poses drawn by the Auditor of Public Accounts in conformity with the laws of the State of Kentucky, or redeem the same if there be sufficient money in the treasury appropriated for that purpose; and the Treasurer shall write on the face of said warrant, "redeemed," and shall register in a book to be kept by him for that purpose, when presented, the number, date, amount and the name of the person or persons to whom the same are made payable, and opposite the registry of each warrant, in separate columns, the date of payment, and the amount of interest, if any, paid thereon.

§ 3. The Board of Sinking Fund Commissioners of the State of Kentucky may borrow money in anticipation of the revenues of the Commonwealth for any fiscal year in order to make payment of current obligations for which the Auditor of Public Accounts shall have issued warrants in conformity with law. The Sinking Fund Commissioners shall sign and issue certificates of indebtedness for money borrowed, as herein authorized, which said certificates shall be under the seal of the Commonwealth, attested by the Secretary of State. Such certificates shall in no event be made to exceed in the aggregate the amount estimated to be received from taxes and revenues of the Commonwealth within any current fiscal year, after deducting all advances and fixed charges. Such certificates of indebtedness shall not run for a longer period than one year, and shall not bear a greater rate of interest than five per centum per annum, and shall not be sold for less than par and accrued interest.

The Board of Sinking Fund Commissioners is empowered to make contracts for the sale of such certificates of indebtedness as, in its judgment, may be considered for the best interests of the Commonwealth, with or without public advertisements as, in its discretion, may be deemed expedient.

In the event of the failure at any time of the Board of

Sinking Fund Commissioners to provide for cash payment of warrants for current purposes as authorized in the preceding paragraphs, whenever any warrant hereafter issued by the Auditor of Public Accounts shall be presented to the Treasurer for redemption, and the funds appropriated for the purpose for which said warrant was issued are exhausted, the Treasurer shall endorse thereon the date of its presentation with the words, "no funds with which to pay this warrant, and it bears five per cent, interest from this date until called in," with his official signature thereto, and such warrant shall thereafter bear interest at the rate of five per cent. per annum, payable semi-annually; provided, however, that the Board of Sinking Fund Commissioners may subsequently make contracts for the sale of certificates of indebtednes, the amount of which shall include a sum sufficient to cover the outstanding warrants of the Auditor issued for current purposes, as herein authorized, and thereupon the Treasurer in the manner hereafter provided, shall call such warrants for redemption and the same shall be redeemed out of the proceeds of sale of the certificates of indebtedness so issued and sold.

For the payment of any and all certificates of indebtedness so issued and sold by the Board of Sinking Fund Commissioners, the taxes and revenues of the Commonwealth for any current fiscal year are hereby appropriated and definitely set aside, and said taxes and revenues shall, when received, be first applied to the payment of said certificates of indebtedness and interest thereon, and any surplus taxes and revenues after the payment of said certificates of indebtedness may be applied to the extinguishment of warrants or other indebtedness of the Commonwealth, as provided by law.

§ 4. All old warrants now outstanding against the State of Kentucky may be presented by the holder or holders thereof to the Treasurer, who shall treat them in like manner as warrants mentioned in section 2 and 3 of this act; and said war-

rants shall bear interest from the date they are presented to the Treasurer and receive his endorsement thereon as provided for in section 3 or in section 6 of this act.

§ 5. The Treasurer may whenever there are funds in his hands amounting to as much as fifty thousand dollars, subject to the payment of outstanding warrants, call for such number of warrants by serial number, which, in the aggregate, do not exceed the amount of money on hand, for the purpose of redeeming them and which have no date of maturity fixed for their payment as provided in section 3 of this act. The call of the Treasurer shall be published by him for ten consecutive days in a daily newspaper published in this State, and no warrant so called in shall bear interest after the expiration of said ten days' publication. Nothing herein, however, shall prevent the payment by the Treasurer of said warrants due according to the date of issue, if presented without awaiting such publication.

§ 6. The Board of Sinking Fund Commissioners of the State of Kentucky may, at any time and from time to time, call in for payment all warrants which may now or which may hereafter be outstanding and upon which no date of maturity is now fixed, and the Board of Sinking Fund Commissioners may direct the Auditor of the State of Kentucky, to issue in lieu thereof warrants in such denomination of not less than one hundred dollars as the Board of Sinking Fund Commissioners may determine upon, which said warrants shall be due and payable to bearer or as the Board of Sinking Fund Commissioners may provide at a time to be fixed by the Board of Sinking Fund Commissioners, not exceeding, however, five years from the date of issue, and such warrants shall bear such a rate of interest, not exceeding five per cent. as the Sinking Fund Commissioners may determine upon, and the date of maturity of each of said warrants and the rate of interest shall be endorsed thereon by the Treasurer. When any

such warrants are issued as herein directed the Board of Sinking Fund Commissioners shall advertise in two or more newspapers in the State of general circulation that such warrants are for sale, and shall ask for bids for the amount thereof, and any person desiring to submit a bid shall make out same stating the rate of interest at which said warrants will be accepted and the par value in cash paid therefor, and file same with the said board on or before the date fixed in such advertisement, and upon the date fixed therefor by said board such bids shall be opened and the warrants sold to the bidder that offers to purchase them at the lowest rate of interest. When said warrants in which the maturity has been fixed as herein provided shall become due and payable, if there be no money in the Treasury to pay said warrants other warrants may in like manner be issued in lieu thereof, with the date of maturity to be fixed by the Board of Sinking Fund Commissioners not exceeding five years from the date of issue of such warrants, and such warrants shall bear such rate of interest as the Board of Sinking Fund Commissioners may determine upon, not exceeding five per cent. and shall in like manner be endorsed by the Treasurer and sold by said board, and in like manner new warrants may be issued from time to time when and as warrants whose maturity has been fixed shall become due and payable until there be money enough in the Treasury to pay said outstanding warrants. The Board of Sinking Fund Commissioners shall have power to direct the Treasurer to pay off any part of said warrants the maturity of which has been fixed, as in this section provided, whenever there is money enough in the Treasury for the purpose of paying said warrants when such warrants shall mature.

§ 7. The interest on all warrants shall be payable semi-annually, and the Auditor shall draw a separate warrant for the interest on all interest bearing warrants due under the provisions of this act which the Treasurer shall pay at the same time at which he pays the warrant on which the interest

is due, but the interest on all warrants with a fixed date of payment shall be paid semi-annually by warrants drawn by the Auditor and paid by the Treasurer. To properly carry out the provisions of this act, and to keep additional records required, there is hereby appropriated the sum of twelve hundred dollars per annum to the State Treasurer for the purpose of securing additional clerical force in his office.

§ 8. Nothing in this act shall be construed as authorizing interest on warrants drawn on the funds of the common schools or the sinking fund or as affecting the application of said funds, nor shall anything in this act be construed as authorizing interest on warrants drawn on the funds of State University unless the executive committee of the State University shall request that such warrants bear interest.

§ 9. All warrants which have heretofore been or which may hereafter be issued by the State of Kentucky, whether the date of maturity of such warrants be fixed or not, are hereby declared to be negotiable instruments. And no warrant shall be subject to taxation by the State of Kentucky or any subdivision thereof.

§ 10. All acts or parts of acts in conflict herewith are hereby repealed.

§ 11. In as much as the State is paying five per cent. on all of its outstanding warrants, and in as much as if said warrants have a fixed date of maturity said warrants may bear a less rate of interest, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. G. Gooch	C. B. Nichols
H. F. S. Bailey	J. S. Hall	S. Mazyck O'Brien
C. H. Bays	W. C. G. Hobbs	William A. Perry
Frank J. Brown	A. B. Holland	A. B. Pieratt
W. H. Brown	David J. Howard	W. A. Price
Henry A. Cannon	J. M. Howell	Richard Radcliffe
R. A. Cook	Chas. L. Hunter	D. S. Richardson
S. B. Coleman	J. M. Johnson	John T. Roach
W. P. Cropper	T. R. Jones	L. M. Smith
R. T. Crowe	Wm. J. Kuh	E. D. Smith
James S. Cruse	Dr. J. E. Lilly	Claude B. Smith
H. C. Cummins	Jacob Metzger	John W. Snider
S. C. Dobbs	Harry J. Meyers	Adam Spahn
Jas. R. Dorman	Claude D. Minor	R. C. Tartar
W. E. Dowling	John T. Murphy	Robt. R. Treadway
William Duffy	B. F. McAtee	F. C. Trivette
J. R. Durham	E. B. McGlone	M. O. Wilson
J. M. Elliston	W. J. McMurray	Louis E. Yewell
Wm. Gearheart	L. T. Neat	E. G. Young

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Those who voted in the negative were—

Frank C. Greene	G. B. Moores	W. M. Webb
W. B. Harvey	Harry P. Purnell	J. D. Wills
W. R. Lyon	Ed. D. Stone	

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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 181. An act appropriating money for the repairs for the colored wards for the Eastern State Hospital at Lexington, Kentucky.

Said bill reads as follows, viz.:

Whereas, it appears from various reports made by joint committees of the Senate and House, by the Board of Control and the superintendents, that there was not sufficient room to accommodate the white and colored patients from the Eastern State Hospital district, thus overtaxing the capacity of the hospital, and causing it to be so crowded as to endanger the lives as well as the comfort of the patients; and, if no relief is granted, forcing the authorities to decline to receive any more patients; and,

Whereas, the engines and boilers are in bad shape at the said Eastern State Hospital, and large quantities of high grade coal have to be used, and whereas by the use of stokers, a saving of over twenty per cent. in the cost of coal can be made and all smoke and soot be practically eliminated. Now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifteen thousand dollars be, and the same is hereby appropriated out of any money in the

treasury not otherwise appropriated, to be expended for repairs upon the colored wards of said hospital.

§ 2. The work referred to in section 1 of this act shall be done under the supervision of the Kentucky State Board of Control for Charitable Institutions. Said work and construction shall be paid for according to contract made by said Board of Control, and by draft, or drafts of said Board of Control, not exceeding in the aggregate the sum aforesaid, being made upon the Auditor of Public Accounts, who shall draw his warrant or warrants upon the Treasurer of this State in favor of the contractors who shall do the work for any sum or sums of money not exceeding the amounts hereby appropriated for said purpose.

§ 3. The President of the Kentucky State Board of Control shall advertise for bids for furnishing all labor and materials of every kind and description necessary for the construction, erection and completion of such buildings and the purchase and erection of the stokers as contemplated in this act, except such labor and material, if any, as may be furnished by the employes or patients of said institutions, and all of such bids shall be opened in the presence of the Kentucky State Board of Control for Charitable Institutions, and it shall be the duty of the latter to accept such bid or bids as it may deem the lowest and best, and if, in its judgment, all or any of such bids shall be unsatisfactory, said Board of Control may reject any and all such bids, and readvertise for others in the same manner, and so on, until it shall be satisfied with such bids and tenders, and when contracts for the erection of said buildings and stokers and furnishing of labor and materials and the doing of all work shall have been done in accord with said bids made and entered into, the Board of Control shall retain from the contract price thereof an amount sufficient to secure the faithful and complete performance of any and all such contracts

and shall not pay the money so retained nor any part thereof until such contracts have been fully and faithfully performed and the work accepted and approved by the Kentucky State Board of Control for Charitable Institutions.

§ 4. All contractors under this act shall be required to give bond, approved by the Kentucky State Board of Control for Charitable Institutions, for the faithful performance of their duty, and said board shall not pay, or cause to be paid any part of the money appropriated by this act, to any contractor or other person or persons employed in the construction, erection or furnishing materials for the erection of the buildings authorized by this act, until such contractor or contractors or other persons aforesaid shall deliver to said board an itemized statement and account of all materials so furnished, and all labor performed for which payment may be requested or demanded, which said itemized statement or account shall be approved and endorsed by the architect of the buildings constructed, and if such account is found to be correct and is approved by said Board of Control, the president and secretary of said board shall note the said facts in the form of a certificate and the same shall be paid as other accounts or bills or claims against said institution are paid by order of the Board of Control thereof; but the money hereby appropriated shall be kept separate and accounted for in separate and distinct statements and accounts of disbursements.

§ 5. On account of the crowded condition of the Eastern Kentucky State Hospital, it is necessary that the stokers and said buildings be erected during the present year. Therefore, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Frank C. Greene	Geo. L. Pickett
C. H. Bays	C. H. Grimes	J. D. Pumphrey
Chas. D. Bratcher	J. S. Hall	Harry P. Purnell
Frank J. Brown	W. C. G. Hobbs	John T. Roach
W. H. Brown	J. M. Howell	Lewis Ryans
E. Bullock	R.B.Hutchcraft,Jr.	Joe Schneider
Henry A. Cannon	Wm. J. Kuh	Adam Spahn
R. A. Cook	Dr. C. W. Mathers	Thomas Spurrier
A. S. Cooper	Jacob Metzger	Ed. D. Stone
W. P. Cropper	Harry J. Meyers	Bannie Tabor
R. T. Crowe	Claude D. Minor	R. C. Tartar
James S. Cruse	G. B. Moores	Robt. R. Treadway
H. C. Cummins	John T. Murphy	F. C. Trivette
S. C. Dobbs	E. B. McGlone	John S. Webb
Thomas A. Dover	L. T. Neat	W. M. Webb
W. E. Dowling	C. B. Nichols	M. O. Wilson
William Duffy	S. Mazyck O'Brien	E. G. Young
J. M. Elliston	A. J. Oliver	
Wm. Gearheart	William A. Perry	—55

Those who voted in the negative were—

Geo. B. Barrett	H. Clay Kauffman	Richard Radcliffe
G. G. Brashear	W. T. Lasley	L. M. Smith
S. B. Coleman	M. E. Lee	E. D. Smith
W. G. Gooch	Dr. J. E. Lilly	Claude B. Smith
W. B. Harvey	W. R. Lyon	John W. Snider
David J. Howard	B. F. McAtee	J. Wood Vance
J. M. Johnson	W. J. McMurray	J. D. Wills
T. R. Jones	A. B. Pieratt	Louis E. Yewell
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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 118. An act to amend and re-enact sections 3194 and 3195 of the Kentucky Statutes, relating to the sinking fund in cities of the second class.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 3194 and 3195 of the Kentucky Statutes, Carroll's edition of 1915, relating to the sinking fund in cities of the second class, be and the same are hereby amended and re-enacted to read as follows:

"§ 3194. Redemption of Bonds—Investment of Sinking Fund.—Said commissioners are required, whenever there shall be an accumulation of money in the sinking fund over and above the amount required for promptly meeting the interest on the bonded indebtedness of the city, to redeem or purchase the bonds of the city, chargeable to said fund, when they can do so on fair terms and at a price not exceeding the market value thereof; but whenever there shall be a surplus of said fund, which cannot be applied on such terms to the extinguishment of said liabilities, the said commissioners may invest the same in bonds of said city, for which it is bound, or bonds of the State of Kentucky, or in United

States bonds. When said commissioners shall redeem, purchase or pay any bonds or coupons of the city, such bonds and coupons shall be reported to the general council and be cancelled and a correct record of same with date of cancellation, preserved in the office of the auditor."

"§ 3195. Refunding Bonds.—Whenever the revenue and available assets of said sinking fund, accumulated for the payment of any bonded indebtedness of the city contracted prior to or in accordance with the present Constitution of Kentucky, shall be insufficient to pay such indebtedness when due, the general council of the city may provide by ordinance for the refunding of said bonds or such part thereof as cannot be paid out of the sinking fund provided therefor by the issue of other bonds of the city, to be exchanged therefor by way of renewal or to be sold and the proceeds used exclusively for the payment of such bonded indebtedness and for no other purpose, except that any premium which may be obtained from the sale of such refunding bonds shall constitute a part of the sinking fund for their ultimate retirement. Such refunding or renewal bonds shall not be issued for any amount in excess of the principal of the bonds to be retired. They may be issued in such form and denomination, and be payable at such place and time not exceeding forty years from date of issue, and bear such rate of interest, not exceeding six per cent. per annum payable semi-annually as may be perscribed by ordinance, and shall not be sold for less than par and accrued interest; they may be sold or exchanged as the general council may deem most expedient and for the best interest of the city in order to retire the bonds which it is necessary to refund. Said bonds shall be signed by the mayor and countersigned by the city treasurer under the seal of the city, serially numbered, and have proper interest coupons attached, which may be signed with the lithographic signatures of the mayor and treasurer. Upon the issuance of said bonds it shall be

the duty of the general council annually thereafter to carry to the sinking fund of the city an amount sufficient to pay the annual interest on said bonds and create a fund for their redemption at maturity. In any city of the second class which may be governed and operated under the Act of March 21st, 1910, and its amendments, known as the Commission Form of Government Act and published as sections 3235c and 3235d of the Kentucky Statutes, the board of commissioners of such city shall have all the powers and perform all the duties prescribed by law for the sinking fund commissioners, and the commissioner of public finance shall perform the duties required of the treasurer and auditor with reference to the sinking fund."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	S. B. Coleman	W. G. Gooch
H. F. S. Bailey	W. P. Cropper	C. H. Grimes
Geo. B. Barrett	R. T. Crowe	J. S. Hall
C. H. Bays	James S. Cruse	W. C. G. Hobbs
Chas. D. Bratcher	H. C. Cummins	A. B. Holland
G. G. Brashear	S. C. Dobbs	David J. Howard
Frank J. Brown	Thomas A. Dover	J. M. Howell
W. H. Brown	W. E. Dowling	R.B.Hutchcraft,Jr.
E. Bullock	William Duffy	R. B. Jackson
Henry A. Cannon	J. R. Durham	J. M. Johnson
R. A. Cook	J. M. Elliston	T. R. Jones
A. S. Cooper	Wm. Gearheart	H. Clay Kauffman

W. T. Lasley	C. B. Nichols	L. M. Smith
M. E. Lee	S. Mazyck O'Brien	E. D. Smith
Dr. J. E. Lilly	A. J. Oliver	Claude B. Smith
Dr. C. W. Mathers	William A. Perry	John W. Snider
Jacob Metzger	Geo. L. Pickett	Adam Spahn
Harry J. Meyers	A. B. Pieratt	Bannie Tabor
Claude D. Minor	W. A. Price	R. C. Tartar
G. B. Moores	J. D. Pumphrey	F. C. Trivette
John T. Murphy	Richard Radcliffe	J. W. Wall
B. F. McAtee	D. S. Richardson	John S. Webb
E. B. McGlone	John T. Roach	W. M. Webb
W. J. McMurray	Lewis Ryans	J. D. Wills
L. T. Neat	Joe Schneider	E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration from the orders of the day a bill entitled:

S. B. 193. An act regulating trapping and for the protection of fur-bearing animals, and providing penalties for violations of act.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person shall trap, or set any steel trap, or dead fall, on the lands of another without the written consent of the occupant (owner or lessee), of said land, and without at

the time of said trapping and setting of said steel trap, or dead fall, he has in his possession said written consent and exhibits it to anyone demanding to examine it; and providing further, that any person setting or placing a steel trap on the lands of another shall set or place such steel trap eighteen (18) or more inches within the entrance of a hole, cave, or hollow log, so as to be inaccessible to domestic animals, dogs or fowls; and providing further that any person setting or placing any steel trap or any dead fall on the lands of another person shall inspect the same within each thirty-six hours thereafter and shall remove therefrom any animal or fowl caught therein; and providing further that any person finding any of the devices mentioned in this section, set or placed contrary to the provisions of this act, may seize and destroy any and all devices so found. Any person violating this section, or any part thereof shall be deemed guilty of a misdemeanor and shall, upon conviction, he fined not less than five ($5.00) dollars nor more than twenty-five ($25.00) dollars for each offense, to which may be added imprisonment in the county jail for a period not exceeding thirty (30) days.

§ 2. Each Violation a Separate Offense and Punishable—Joinder of Offense.—The setting of each separate steel trap or dead fall contrary to the provisions of section 1 of this act shall constitute and be deemed a separate offense, and shall be punished accordingly, and two or more offenses may be joined in the same warrant or indictment therefor, and the person so offending, if convicted, shall be fined for each offense.

§ 3. Catching of Any Domestic Animal, Dog or Fowl—Prima Facie Evidence.—The catching of any domestic animal, dog, or fowl, in any steel trap, shall be prima facie evidence that said steel trap was placed and set contrary to the provisions of section 1 of this act and of guilt under said section of this act.

§ 4. Fur-Bearing Animals.—No person shall take, trap, shoot or kill any beaver, mink, raccoon, fox, otter, opossum or skunk in the State of Kentucky, from the first day of January to the fourteenth day of November, both days inclusive of any year, except that the raccoon, opossum, skunk and mink may also be taken and killed by dog or gun between the first day of October and the fifteenth day of February, both days inclusive of any year; provided, however, that when any of the animals mentioned in this section are found injuring, or doing damage to or destroying any property, the person whose property is being damaged, injured or destroyed, may at any time kill them on his own premises when necessary for the protection of his property. Any person violating this section, or any portion thereof, shall upon conviction be guilty of a misdemeanor, and shall be punished by a fine of not less than five ($5.00) dollars, nor more than twenty-five ($25.00) dollars for each offense, to which may be added imprisonment in county jail not exceeding thirty (30) days.

§ 5. Each Violation a Separate Offense and Punishable—Joinder of Offense.—The taking, trapping, shooting or killing of any one of said animals contrary to the provisions of section four of this act shall be punished accordingly and two or more offenses may be joined in the same warrant or indictment therefor, and the person so offending, if convicted, shall be fined and punished for each offense.

§ 6. Possession—Prima Facie Evidence.—The having in possession of any one of the animals mentioned in section 4, or the freshly skinned hide or fur thereof, between the first day of January and the fourteenth day of November, both days inclusive of any year, shall be prima facia evidence of guilt under section four of this act; provided further, that nothing in this section shall be construed to prohibit the having in possession of any raccoon, opossum, skunk, or

mink, or fur thereof, taken or killed in accordance with the provisions of section 4 of this act, between January 1st and the first fifteen days of February, both inclusive.

§ 7. Official to Enforce This Act.—The county attorneys, Commonwealth's attorneys, sheriff and his deputies, constables and his deputies, the Game and Fish Commission and the executive agents thereof, and all game wardens and deputies thereof, and all peace officers are hereby required and empowered and it is made their duty to enforce the provisions of this act. Said officials may arrest on sight and without warrant any person detected by them in the act of violating any of the provisions of this act, and shall have the right to require aid in arresting without process, any person found by them in the act of violating any of the provisions of this act. They shall have authority to seize, without process, any animals mentioned in this act found in the possession of any such person, together with all traps or guns with which the same were taken or killed, or which were being used or held with intent to use in taking the same and forthwith convey said offender before a court or magistrate having jurisdiction of the offense and said court or magistrate, upon the filing of the complaint by any of said officials or other persons, shall proceed speedily to try and determine the truth of the charge and if said charge is found to be true, shall, in addition to the other penalties provided in this act, enter an order declaring said animals, traps, or guns so seized to be contraband and directing them to be delivered to the Commission of Game and Fish to be disposed of.

§ 8. Execution of Writs.—The executive agent of the Game and Fish Commission, all members thereof, and wardens and persons appointed by said commission and all sheriffs and their deputies, constables and their deputies and all other peace officers shall have full power and authority to serve and execute all warrants and processes of law issued

by the court for the enforcement of the provisions of this act, and they may call to their aid any peace officer, or any other person to assist them in enforcing the provisions of this act.

§ 9. Costs of Prosecution—How Taxed.—When an arrest for the violation of this act is made by the Game and Fish Commission, or its executive agent, or by any warden or person appointed by said commission, sheriff or his deputy, constable or his deputy, or peace officer, and the defendant is convicted, there shall be taxed as costs in favor of such commission, executive agent, warden, or other persons, or officers making the arrest, the same fee as a constable is entitled to in misdemeanor cases, and if collected from the defendant shall be paid over to said commission, executive agent, warden or other persons or officers and shall be their personal perquisite. No fee shall be allowed in case of acquittal.

§ 10. Fines and Penalties—Distribution of.—After payment of the percentage of fines allowed by the law to other public officers, the remainder of all fines, forfeitures and penalties collected under this act shall be paid to the executive agent, warden or other person appointed by the commission, sheriff or his deputies, constable or his deputies, or peace officer securing the apprehension and conviction. Said money shall be paid to said officer by the court collecting the same.

§ 11. Fee Taxed as Costs.—In all cases of conviction or on pleas of guilty of violating any of the provisions of this act, or of any law in relation to or for the protection of fur-bearing animals, there shall be taxed against each defendant, in favor of the Game and Fish Commission, a fee of five dollars ($5.00) as part of the costs, said fee shall be promptly paid by the officers collecting the same to the State

Treasurer and shall be credited by him to the Game and Fish Protection Fund.

§ 12. Failure to Pay Fine and Court Costs.—Any person having been found guilty of violating any section, or any part of any section of this act, and fined therefor, shall, on failure to pay such fine and court costs, be confined in the county jail or workhouse, or placed at labor on any of the public works of the county in which he is convicted and fined, one day for every one dollar of said fine and court costs.

§ 13. Circuit Judges to Charge Grand Juries.—It shall be the duty of the judge of all circuit courts of the respective counties of this State to give special charge of this act to each grand jury of said court.

§ 14. Local and State Laws Repealed.—All laws and parts of laws, general, special or local, in conflict with the provisions of this act are repealed in so far as they so conflict herewith.

Mr. White offered the following amendment to said bill, viz.:

Amend Senate Bill 193 by striking out in line 13, section 4, all words after "offense," and all of line 14 in same section.

Said amendment was disagreed to.

Mr. White offered the following amendment to said bill, viz.:

Amend Senate Bill 193 by striking out section eleven.

Said amendment was disagreed to.

Mr. Kauffman moved the previous question.

The Speaker stated: Shall the main question be now put?

Said question was decided in the affirmative.

Mr. Johnson moved that said Senate Bill 193 and all amendments be laid on the table.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	L. L. Embrey	Jacob Metzger
Geo. B. Barrett	Wm. Gearheart	Harry J. Meyers
C. H. Bays	W. G. Gooch	Claude D. Minor
G. G. Brashear	Frank C. Greene	John T. Murphy
W. H. Brown	J. S. Hall	B. F. McAtee
Henry A. Cannon	W. B. Harvey	W. J. McMurray
R. A. Cook	W. C. G. Hobbs	C. B. Nichols
A. S. Cooper	David J. Howard	S. Mazyck O'Brien
S. B. Coleman	Chas. L. Hunter	A. J. Oliver
W. P. Cropper	R.B.Hutchcraft,Jr.	William A. Perry
James S. Cruse	R. B. Jackson	Geo. L. Pickett
Thomas A. Dover	T. R. Jones	W. A. Price
W. E. Dowling	H. Clay Kauffman	J. D. Pumphrey
William Duffy	W. T. Lasley	Richard Radcliffe
J. M. Elliston	Dr. C. W. Mathers	Lewis Ryans

Joe Schneider	Adam Spahn	W. M. Webb
L. M. Smith	Ed. D. Stone	J. D. Wills
E. D. Smith	Bannie Tabor	M. O. Wilson
John W. Snider	R. C. Tartar	E. G. Young

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Those who voted in the negative were—

Chas. D. Bratcher	J. M. Howell	A. B. Pieratt
Frank J. Brown	J. M. Johnson	D. S. Richardson
E. Bullock	M. E. Lee	John T. Roach
S. C. Dobbs	Dr. J. E. Lilly	Robt. R. Treadway
Odie Duncan	E. B. McGlone	John S. Webb
J. R. Durham	L. T. Neat	Louis E. Yewell

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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 56. An act to amend and re-enact an act entitled "An act relating to fiscal courts," approved March 13, 1912, being chapter 74 of the Acts of 1912, and being also section 1840a of the Kentucky Statutes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act entitled, "An act relat-

ing to fiscal courts," which was approved March 13th, 1912, being chapter 74 of the Acts of 1912, and being identical with and fully embraced in section 1840a, of the Kentucky Statutes, be and the same is hereby amended by striking out the word "any" in the third line thereof, and by inserting in lieu thereof the word "the," and by adding at the end of said section the following words:

"Provided, however, that the fiscal court of any county of this Commonwealth may anticipate the revenue for the current year and borrow money upon the faith thereof, at a lower rate of interest," so that said section as amended shall read as follows:

"That all warrants which the fiscal court of any county of this Commonwealth may direct to be issued shall bear interest at the rate of six per cent. per annum on the amount of the face of said warrant. Provided, that said warrant shall be presented for payment to the county treasurer not more than thirty days after the date of the allowance of said claim by said county court and that if payment shall be refused it shall draw interest at the rate of six per cent. per annum from that date until paid or until called in for payment by the treasurer of the county by which same are issued; provided, however, that the fiscal court of any county of this Commonwealth may anticipate the revenue for the current year and borrow money upon the faith thereof, at a lower rate of interest.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	R.B.Hutchcraft,Jr.	J. D. Pumphrey
Geo. B. Barrett	R. B. Jackson	D. S. Richardson
C. H. Bays	J. M. Johnson	John T. Roach
Frank J. Brown	T. R. Jones	Lewis Ryans
E. Bullock	Wm. J. Kuh	Joe Schneider
Henry A. Cannon	M. E. Lee	E. D. Smith
A. S. Cooper	Dr. J. E. Lilly	Claude B. Smith
W. P. Cropper	W. R. Lyon	John W. Snider
James S. Cruse	Jacob Metzger	Adam Spahn
H. C. Cummins	Harry J. Meyers	Thomas Spurrier
S. C. Dobbs	Claude D. Minor	Ed. D. Stone
J. M. Elliston	S. Montgomery	Bannie Tabor
L. L. Embrey	G. B. Moores	R. C. Tartar
Wm. Gearheart	B. F. McAtee	Robt. R. Treadway
W. G. Gooch	E. B. McGlone	F. C. Trivette
J. S. Hall	W. J. McMurray	J. Wood Vance
W. B. Harvey	C. B. Nichols	John S. Webb
W. C. G. Hobbs	S. Mazyck O'Brien	W. M. Webb
A. B. Holland	A. J. Oliver	M. O. Wilson
David J. Howard	William A. Perry	E. G. Young
J. M. Howell	A. B. Pieratt	
Chas. L. Hunter	W. A. Price	—64

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 96. An act to prohibit the buying or selling of patients by physicians or surgeons, or other persons and defining what shall constitute the buying or selling of patients, and fixing the punishment for the violation of this act.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter any physician, surgeon, or any other person, who carries, sends or is in any manner instrumental or aids and abets in causing a patient to go to another physician or surgeon for surgical operation or advice as to or the treatment of any physical or mental disease, injury or ailment, and receives therefor from such other physician or surgeon any money, gift or other thing of value for having furnished such patient, or who has any agreement or understanding with such physician or surgeon to receive therefor any money, gift or other thing of value whatsoever from such physician or surgeon, without the knowledge and consent of the patient previously obtained, shall be guilty of selling the patient within the meaning of this act.

§ 2. Any physician, surgeon or other person who shall violate section one of this act shall be guilty of a misdemeanor and fined not less than fifty dollars nor more than one hundred dollars ($100.00) for each offense.

§ 3. That hereafter any physician, surgeon or any other person, who knowingly receives any patient, so carried, sent or caused to go to him for any surgical operation or advice as to or treatment of any physical or mental disease, injury or ailment, and such physician, surgeon or other person pays any money, gift or thing of value, or promises any compensation whatsoever therefor to such physician, surgeon or other

person, so sending or carrying or aiding and abetting in getting such patient to him, without the knowledge or consent of the patient previously obtained, shall be guilty of buying the patient within the meaning of this act.

§ 4. That any person who buys a patient within the meaning of section three of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and if he be a physician or surgeon, shall, upon conviction of a second offense, forfeit his license to practice medicine and surgery in this Commonwealth; the court trying the case shall, upon conviction for the second offense, declare, as a part of the judgment entered upon the record of the court trying the case, that the license of such physician or surgeon to practice medicine or surgery in this Commonwealth be cancelled, and the license so cancelled shall never be renewed in this Commonwealth.

§ 5. The person selling the patient and guilty of the offense under section one of this act shall not be deemed an accomplice of the physician, surgeon or other person who buys such patient, as provided in section three thereof, and may be compelled, as a witness, to disclose all the facts relative to such selling of the patient by him and the purchase thereof by the physician or other person under section two hereof, but no such testimony given shall be used in any prosecution against the person so testifying, and he shall stand discharged of any act so disclosed by his testimony.

§ 6. This act shall take effect from and after its passage.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey
Geo. B. Barrett
C. H. Bays
Chas. D. Bratcher
G. G. Brashear
Frank J. Brown
W. H. Brown
Henry A. Cannon
A. S. Cooper
S. B. Coleman
W. P. Cropper
R. T. Crowe
H. C. Cummins
S. C. Dobbs
W. E. Dowling
William Duffy
Odie Duncan
J. R. Durham
L. L. Embrey
T. T. Gardner
Wm. Gearheart
W. G. Gooch
C. H. Grimes
J. S. Hall
W. C. G. Hobbs
A. B. Holland
David J. Howard
J. M. Howell
Chas. L. Hunter
R. B. Jackson
J. M. Johnson
T. R. Jones
W. H. Jones
H. Clay Kauffman
Wm. J. Kuh
M. E. Lee
Dr. J. E. Lilly
W. R. Lyon
Dr. C. W. Mathers
Jacob Metzger
Harry J. Meyers
Claude D. Minor
G. B. Moores
John T. Murphy
B. F. McAtee
E. B. McGlone
W. J. McMurray
L. T. Neat
C. B. Nichols
William A. Perry
Geo. L. Pickett
A. B. Pieratt
W. A. Price
J. D. Pumphrey
Harry P. Purnell
Richard Radcliffe
D. S. Richardson
John T. Roach
Joe Schneider
L. M. Smith
E. D. Smith
Claude B. Smith
John W. Snider
Adam Spahn
Thomas Spurrier
Ed. D. Stone
Bannie Tabor
R. C. Tartar
F. C. Trivette
J. W. Wall
John S. Webb
W. M. Webb
Frank M. White
M. O. Wilson
Louis E. Yewell
E. G. Young

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Resolved that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 143. An act to prevent any person interfering with the work of convicts outside of the walls of the penitentiary, and prohibiting any person from giving to any such convict opium, cocaine, intoxicating liquors, or narcotic of any kind whatever, fire arms, weapons or explosives.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who shall interfere with, or in any way interrupt the work of any convict who has been sent to any of the State penal institutions, who is employed outside the walls of such institution, or any person who gives or attempts to give to any such convict any opium, cocaine or other narcotic, or any intoxicating liquors of any kind whatever, or fire arms, weapons or explosives, except explosives used in line of duty, of any kind, shall be deemed guilty of a felony, and upon conviction therefor shall be punished by imprisonment in the State prison for a term of not less than one, nor more than five years, and shall be disqualified from holding any State office under the State government. Any officer or guard of any State prison, or any superintendent of any work being carried on by such convicts, may arrest, without a warrant, any person violating the provisions of this act. The provisions of this act, however, shall not prevent any physician, in the practice of his profession, from prescribing and delivering to any such convict opium, cocaine, or other narcotic or intoxicating liquors, when same may be deemed necessary by such physician, pro-

vided same is furnished with the consent of the person having charge of such convicts.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	C. H. Grimes	W. A. Price
Geo. B. Barrett	J. S. Hall	Harry P. Purnell
C. H. Bays	W. C. G. Hobbs	Richard Radcliffe
Chas. D. Bratcher	Chas. L. Hunter	D. S. Richardson
G. G. Brashear	R. B. Jackson	John T. Roach
Frank J. Brown	T. R. Jones	Joe Schneider
W. H. Brown	H. Clay Kauffman	L. M. Smith
E. Bullock	Wm. J. Kuh	E. D. Smith
Henry A. Cannon	Dr. J. E. Lilly	Claude B. Smith
A. S. Cooper	W. R. Lyon	John W. Snider
S. B. Coleman	Dr. C. W. Mathers	Adam Spahn
W. P. Cropper	Jacob Metzger	Ed. D. Stone
R. T. Crowe	Harry J. Meyers	Bannie Tabor
James S. Cruse	Claude D. Minor	R. C. Tartar
H. C. Cummins	S. Montgomery	F. C. Trivette
S. C. Dobbs	G. B. Moores	J. Wood Vance
Thomas A. Dover	B. F. McAtee	J. W. Wall
W. E. Dowling	E. B. McGlone	John S. Webb
William Duffy	W. J. McMurray	W. M. Webb
Odie Duncan	L. T. Neat	Frank M. White
J. R. Durham	S. Mazyck O'Brien	J. D. Wills
L. L. Embrey	A. J. Oliver	M. O. Wilson
T. T. Gardner	William A. Perry	Louis E. Yewell
Wm. Gearheart	Geo. L. Pickett	E. G. Young
W. G. Gooch	A. B. Pieratt	—74

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 18. An act to provide for the payment of taxes covering the compromise in full of bonds issued for the building or aiding in the building of steam railroads, fixing property upon which it may be levied, providing for a collector to receive said taxes and give a receipt therefor.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

If the voters of any county, at an election held for such purpose, have voted the issuance and sale of bonds for the purpose of building or aiding in the building of any steam railroad (such bonds to be redeemed by the levying and collecting an ad valorem tax by the fiscal court of such county), and such bonds have been sold, and a compromise of the redemption of the whole or a part of such bonds has been agreed upon by the fiscal court, and the bond holders or their attorneys or agents, or of any judgment enforcing the collection of said bonds, and the levy covering the compromise in full has been made by the fiscal court, and tax payer may pay the tax levied against him to the collector appointed by the fiscal court or the one agreed upon by the bond holders or their agents or attorneys, and the fiscal court or to the duly appointed agents

or attorneys of the bond holders who shall give him receipt for same, which receipt shall be final and no further taxes shall be levied against him or against the property on which said tax is paid for the redemption of such bond issue or judgment: Provided, however, that this shall not apply to any property thereafter acquired by him on which such tax has not been paid.

All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Thomas A. Dover	R. B. Jackson
H. F. S. Bailey	W. E. Dowling	J. M. Johnson
C. H. Bays	William Duffy	T. R. Jones
Chas. D. Bratcher	Odie Duncan	Wm. J. Kuh
G. G. Brashear	J. R. Durham	W. R. Lyon
Frank J. Brown	J. M. Elliston	Dr. C. W. Mathers
W. H. Brown	L. L. Embrey	Jacob Metzger
Henry A. Cannon	T. T. Gardner	Harry J. Meyers
S. B. Coleman	Wm. Gearheart	Claude D. Minor
W. P. Cropper	W. G. Gooch	G. B. Moores
R. T. Crowe	C. H. Grimes	John T. Murphy
James S. Cruse	W. C. G. Hobbs	B. F. McAtee
H. C. Cummins	David J. Howard	E. B. McGlone
S. C. Dobbs	J. M. Howell	W. J. McMurray
Jas. R. Dorman	Chas. L. Hunter	L. T. Neat

C. B. Nichols	Joe Schneider	F. C. Trivette
S. Mazyck O'Brien	L. M. Smith	J. Wood Vance
A. J. Oliver	E. D. Smith	J. W. Wall
A. B. Pieratt	Claude B. Smith	John S. Webb
W. A. Price	John W. Snider	W. M. Webb
J. D. Pumphrey	Adam Spahn	Frank M. White
Harry P. Purnell	Thomas Spurrier	J. D. Wills
Richard Radcliffe	Ed. D. Stone	Louis E. Yewell
John T. Roach	Bannie Tabor	E. G. Young
Lewis Ryans	R. C. Tartar	—74

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Spahn offered the following resolution, viz.:

Resolved that the Kentucky House of Representatives, tender to the Hon. L. B. Hamilton, of Franklin County, its sincerest sympathy in the bereavement he has sustained in the loss of his mother.

Mr. Spahn moved that said resolution be adopted.

Said motion was agreed to.

Said resolution was adopted.

Mr. Dowling offered the following resolution, viz.:

Whereas, this session of the Kentucky legislature will close in a few hours and its work and labors will become a matter of history; therefore,

Be it resolved, that Hon. H. C. Duffy, Speaker of this House has presided with fairness and impartiality over its sessions; that he has been courteous and considerate to the members irrespective of party or faction; that in the discharge of his duties he has shown signal ability and executive talents of the highest order, and that under many trying situations he has preserved an equanimity of temper and displayed a disposition that has endeared him to us all.

Be it further resolved that our prayers go with him and that we fervently hope that rest and recuperation will restore his health and strength and that all the years will bring him honor, success and happiness.

Mr. Dowling moved the adoption of said resolution.

Said motion was agreed to.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 228. An act to amend section two of an act entitled: "An act to amend an act approved March the 21st, 1906, entitled: 'An act to establish a system of State Normal Schools in Kentucky; to create a board of regents for the general management thereof; to create a Normal Executive Council which shall determine the requirements for admission and graduation and the courses of study for said schools; to create a commission, which shall determine the location of said schools, and to appropriate funds for their maintenance,'" approved March 24, 1908.

H. B. 53. An act to authorize the guardian of an infant,

curator or committee of a person of unsound mind to lease the real estate of any interest therein of infant or person of unsound mind for mining purposes and regulating the procedure therefor.

H. B. 510. An act to regulate the grading, packing, marketing, shipping, and sale of apples, and also to name the standard barrel for same.

H. B. 307. An act to amend and re-enact sections 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, of the Kentucky Statutes relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares in cities of the fourth class.

H. B. 241. An act repealing sections 4217-4217a of Kentucky Statutes, and requiring permits for certain kinds of merchants; defining temporary and transient merchants and providing for licensing same, regulating the advertising, representations and business of such merchants and prescribing penalties for failure to comply with the provisions of this act.

H. B. 185. An act designating the twelfth day of February of each year a legal holiday, to be known as "Lincoln Day."

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 119. An act relating to and regulating the sanitary conditions of foods, to provide for inspection, and creating penalties for violation thereof.

S. B. 85. An act to repeal chapter 113 of the Kentucky Statutes, Carroll's edition 1915, being sections 4363 and 4535h

inclusive except sections 4421a and 4421b, and re-enacting the same chapter with the articles and sections corrected, re-arranged, simplified, and the repealing clause and parts of sections omitted and fixing the time of year at which text book adoption shall be made.

S. B. 141. An act to amend and re-enact section 2 of chapter 70 of the Acts of the General Assembly of 1914, which relates to the parole of prisoners confined in the State penal institutions.

S. B. 191. An act authorizing the acceptance of gifts and trusts regarding education by boards of education, and regulating their administrations.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 424. An act to appropriate $5,250 for Kentucky Normal and Industrial Institute.

H. B. 156. An act authorizing J. W. Ray to sue the State of Kentucky.

H. B. 92. An act to amend the Kentucky Statutes, article 10 section 4464 relating to graded common schools, being the

same as chapter 12, section 155 of the common school laws of Kentucky.

H. B. 334. An act to amend and re-enact section 1731, and to repeal section 1732 of article IV. of chapter 47, Kentucky Statutes, Carroll's edition 1915, relating to fees that may be charged by county judges, city or police judges, and justices of the peace.

H. B. 408. An act to amend section 1, subsection 1, article 13, chapter 22 of the Acts of 1906, being an act entitled, "An act relating to revenue and taxation."

H. B. 146. An act to change the time of holding the regular terms of circuit court in the county of Cumberland in the 29th Judicial District.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the original and enrolled bills which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 508. An act to convey to Hart county the interest of the State of Kentucky in the Rio Bridge Company, a corporation.

H. B. 101. An act to amend charters of cities of the first class, to support by the levy of a tax or otherwise a municipal university.

H. B. 378. An act to repeal an act entitled, "An act to provide for the erection of school buildings in common school district No. 1 in the town of Hawesville," approved March 28, 1873, and all amendments thereto.

H. B. 320. An act to repeal section 596 of the Kentucky Statutes (Carroll's 1915 edition), relative to the paying of dividends by banks and re-enacting said section.

H. B. 401. An act to regulate the licensing of vehicles operating between to or more municipalities within the Commonwealth.

H. B. 20. An act to regulate the practice of veterinary medicine, surgery and dentistry in the State of Kentucky; to license non-graduate veterinarians; to establish a State Board of Veterinary Medical Examiners, and to provide penalties for violation thereof.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the

presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the orginal and enrolled bills which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 316. An act in relation to pandering; to define and prohibit the same, to provide for the punishment thereof, for the competency of certain evidence at and the venue of the trial thereof.

S. B. 314. An act to amend an act entitled, "An act to amend section 4645a of the Kentucky Statutes (Carroll's edition 1909), increasing the salary of the stenographer to the Governor.

S. B. 142. An act to repeal and re-enact chapter 19 of the Acts of 1914, which is an act concerning the trial and punishment of prisoners indicted for felony or misdemeanors.

S. B. 139. An act for the prosecution of pools and trusts, conspiracies and combinations in restraint of trade, and to define the same and to prescribe penalties and provide methods for the infliction thereof.

S. B. 131. An act to require registration of legislative counsel and legislative agents; to define regular practicing attorneys, as used in this act, and provide for their registration before legislative committees and to define and prohibit corrupt lobbying.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 133. An act for the protection of fish, providing methods for catching thereof, and fixing penalties for violation thereof.

S. B. 22. An act creating the thirty-sixth Judicial District of Kentucky; fixing the time of holding courts thereof; providing for the appointment of and election of a circuit judge and Commonwealth attorney, and changing the twenty-third, thirty-first and thirty second judicial district of Kentucky so as to provide for said thirty-sixth district, and fixing the time for holding the courts in said district and in the other districts affected.

S. B. 307. An act to prohibit all graded common school districts to levy twenty-five cents on each one hundred dollars' worth of property in each district in addition to the amount that may be now levied for the purpose of maintaining the school and erecting and repairing buildings.

S. B. 293. An act to amend and re-enact chapter 31 of the published Acts of 1910, which is "An act providing and appropriating money for the contingent fund for the Governor of this Commonwealth," which was approved by the Governor, March 19, 1910.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 294. An act to repeal and re-enact sections 556, 769, 770, 771, Kentucky Statutes, edition 1915, relating to corporations.

S. B. 130. An act for the benefit of the Kentucky Institution for the education of the blind, to provide for the education, training, and employment of the blind of the Commonwealth.

S. B. 258. An act to amend section 2516 of the Kentucky Statutes.

S. B. 148. An act to amend section 331a, subsection 1, of an act entitled "An act to regulate the labor and employment of children and minors and to make the provisions thereof effective," approved by the Governor, March 21, 1914.

S. B. 223. An act prescribing the duties and powers of the Railroad Commission with reference to the express companies, steamboats and steamboat companies, telegraph companies and telephone companies.

S. B. 6. An act to amend section 14 of an act entitled, "An act creating fiscal courts in the several counties in this Commonwealth."

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a bill of the following title, viz.:

S. B. 104. An act providing for the working of prisoners who are confined in the prison, on State highways and bridges, constructed by the Department of Public Roads; providing for the setting apart of a fund from the State road fund, to be used by the Department of Public Roads in building of State roads and bridges with convict labor, and to enable said highway department to work said prisoners in the mining, quarrying and manufacture and preparation of material for building roads and bridges; providing aid and assistance to the

Commissioner of Public Roads in the construction of State roads with convict labor and otherwise; providing for the asignment of prisoners to do State road work and for their supervision and management while so engaged; providing a method of payment for the roads so constructed out of the State road fund and authorizing the board of prison commissioners to provide means of employment for convicts while not engaged in working on the public roads and bridges, and in the manufacturing, quarrying, mining and preparation of road material; providing that the board of prison commissioners may lease farms on which to work convicts and providing compensation for all prisoners that may work under the supervision of the board of prison commissioners.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said bill.

Ordered, that the enrolling clerk deliver said bill to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a bill of the following title, viz.:

S. B. 345. An act relating to agricultural extension work and home economics; accepting the provisions of the act of Congress providing for co-operative agricultural extension work between agricultural colleges, which act was approved May 8, 1914; providing that such work shall be done under the direction of the Kentucky University, Lexington, Kentucky; changing the name of said University to University of Kentucky; amending and re-enacting section 1 of chapter 3 Acts of 1908; amending and re-enacting section 15, Kentucky

Statutes, 1903; providing for the appointment of trustees of the University of Kentucky; creating an extension committee to have charge of extension work under the supervision of the University of Kentucky; providing for the election of an executive committee for the University of Kentucky; amending and re-enacting section 13 of the Act of March 21, 1906, creating the State Board of Agriculture, Forestry and Immigration; repealing section 2 of an act for the benefit of the Department of Agriculture, Labor and Statistics, approved March 11, 1912; appropriating money for the University of Kentucky; providing for the establishment of a marketing bureau; authorizing the fiscal courts of the counties and the boards of education of counties to appropriate money for extension work, and amending and re-enacting section 5 of an act for the benefit of the Department of Agriculture, approved March 21, 1906.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said bill.

Ordered, that the enrolling clerk deliver said bill to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 47. An act providing for the payment of claims arising from loss on account of the slaughter of animals having the foot-and-mouth disease, and making an appropriation therefor.

S. B. 274. An act to provide means for analysis and

examination, investigation, publication and other necessary expenses connected with the carrying out of chapter 4 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1908, entitled "An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicine and liquors and providing penalties for violation thereof, and appropriating the amount of money to be paid from the treasury of the Commonwealth for such work.

S. B. 256. An act to empower the Board of Penitentiary Commissioners to convey land to the United States government, lands for the purpose of building locks and dams, and ceding such lands when so conveyed.

S. B. 302. An act to amend an act entitled: "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law on the 5th of March, 1898, and to repeal chapter 50 of the Acts of the General Assembly of 1912.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 26. An act to amend and re-enact section 3637 of the Kentucky Statutes, Carroll's edition, being a part of article VI. of an Act of July 3rd, 1893, entitled "Municipal

corporations, cities of the fifth class,'' so as to permit the council of such cities, through its mayor, to sell, convey and transfer to the United States government, water front, or a portion thereof when needed to improve navigation.

S. B. 160. An act providing for the securing of a separate farm for a House of Reform for Girls and providing for the management thereof.

S. B. 173. An act for the protection of game birds and game animals; fixing open and closed seasons, and providing penalties for violations.

S. B. 134. An act for the protection of fish, providing for catching thereof; fixing penalties for violations thereof.

S. B. 347. An act to protect railroad companies in the use and enjoyment of their rights-of-way by forbidding the condemnation thereof for other purposes.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a bill of the following title, viz.:

S. B. 40. An act to provide an elective system of workmen's compensation for industrial accidents, prescribing the manner of election and the rights and liabilities of

employers, employes and third parties; making provision for medical and surgical care of injured employes; establishing rates of compensation for personal injuries or death; providing methods of insuring and securing the payments of such compensation; making minors sui juris for certain purposes; creating a board to administer this act; prescribing the duties, powers and rights thereof and imposing a tax upon insurance premiums, also a tax upon employers who carry their own risk for the maintenance of such board and providing a system of appeal to the courts from the decisions of such board; prescribing certain penalties, with an emergency clause, and appropriating certain sums to meet the expenses of putting this act into effect, and repealing all laws and parts of laws in conflict herewith, to the extent of such conflict.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said bill.

Ordered, that the enrolling clerk deliver said bill to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a bill of the following title, viz.:

S. B. 322. An act creating the State Insurance Board, to supervise the operation of fire insurance rate-making bureaus and providing for their examination; prohibiting rebating and discrimination in fixing and collecting fire insurance rates; requiring companies to maintain and co-operate in maintaining and operating rate-making bureaus, requiring inspection and survey by such bureaus of all risks

specifically rated, and regulating agreements between insurance companies and their insurers with respect to fixing and collecting fire insurance rates; prescribing the powers of insurance companies; providing for agents' license and qualifications; protecting against fire insurance in unauthorized companies; providing for the prevention of fire waste and for the establishment of the office of State Fire Marshal, fixing salaries and expenditures and prescribing duties; prohibiting over-insurance; providing for, organizing and regulating certain kinds of insurance upon the mutual, reciprocal or inter-insurance plan, empowering corporations to participate therein; providing penalties for violation; providing conditions under which insurance may be effected upon the Lloyd's plan, and penalty for violation thereof and repealing existing statutes.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said bill.

Ordered, that the enrolling clerk deliver said bill to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 228. An act to amend section two of an act entitled: "An act to amend an act approved March the 21st, 1906, entitled: 'An act to establish a system of State Normal Schools in Kentucky; to create a board of regents for the general management thereof; to create a Normal Executive Council which shall determine the requirements for admission and graduation and the courses of study for said schools, to create a com-

mission which shall determine the location of said schools, and to appropriate funds for their maintenance,'" approved March 24, 1908.

H. B. 185. An act designating the twelfth day of February of each year a legal holiday to be known as "Lincoln Day."

H. B. 151. An act to amend section 694 of the Civil Code of Practice.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the Hous of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the original and enrolled bills which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, resolutions of the following titles, viz.:

S. Res. 9. Resolution paying B. M. Hirschburg for services.

S. Res. Joint resolution to provide for the payment of expenses of the committee named by the Senate to attend the funeral of the late Senator from the 35th district, and to pay the expenses of the committee named by Lieutenant Governor McDermott during vacation to attend the funeral of Senator Walker C. Hall, and to pay for the floral design ordered by the Senate at the funeral of Senator Stewart.

S. Res. 15. Resolution appropriating money for the Legislative Digest and designating it as the official publication of the Commonwealth.

S. Res. 16. Resolution endorsing Woodrow Wilson.

S. Res. 20. Resolution providing for the payment of assistant for printing commissioner.

S. Res. 25. Resolution creating a State Tax Commission and fixing its duties.

S. Res. 27. Resolution to pay for the clerical and stenographic services rendered to the Department of Education since January 3, 1916, and appropriating money therefor.

Whereupon all other business was suspended, said resolutions were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said resolutions.

Ordered, that the enrolling clerk deliver said resolutions to the Senate.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 207. An act to regulate liability of common carriers upon "Intrastate" shipments.

H. B. 186. An act authorizing boards of education in cities of the first and second class to create a fund for the protection against fire and other casualties and regulating its investment and use.

H. B. 309. An act to provide for collecting of delinquent taxes in cities of the fourth class.

H. B. 116. An act to authorize any city in this State owning its own water or light plant and furnishing water and light to such city to furnish water or light to any other city in this State, and to authorize any city in this State to contract for water and light from any city owning its water or light plant and furnishing water and light.

H. B. 111. An act regulating roving horse traders.

H. B. 436. An act to amend section 6 of the act approved March 23, 1910, entitled, "An act to promote and compel attendance of children in schools, to prevent truancy in cities of the first, second, third and fourth class, and to enable boards of education or boards of school trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truant children, and for the purpose of reducing truancy."

H. B. 418. An act to amend Carroll's edition Kentucky Statutes, 4303 (17).

H. B. 191. An act to amend section 3 of act entitled: "An act relating to consolidated corporations organized under general laws for the purpose of constructing, maintaining, and operating bridges across rivers forming boundary line of this Commonwealth and declaring an emergency.

H. B. 120. An act providing for a progressive tax on direct and collateral inheritances.

H. B. 203. An act providing for a commission form of government for schools in cities of the fourth class, to become effective in such cities upon its acceptance by the governing authorities of such cities and the schools therein, and providing method of adoption.

A message was received from the Senate announcing that they had concurred in the House amendments proposed to Senate Bill 75 in accordance with the report of the conference committee.

Also that they had adopted a resolution which originated in the House of the following, title, viz.:

H. Res. 21. Resolution for the benefit of Bernard Wells.

Mr. Bullock offered the following resolution, viz.:

Be it resolved that we extend to the custodian of the hall, S. M. Lykens, and his assistant, E. T. Douglas, our thanks for the painstaking care and courtesy shown us during the session.

Mr. William Duffy moved the adoption of said resolution.

Said motion was agreed to.

Said resolution was adopted.

The House then took up for consideration from the orders of the day a bill entitled:

S. B. 24. An act to provide for the erection, organization and maintenance of county high schools jointly by two or more adjacent counties.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever it becomes desirable by and between two or more adjacent counties of this Commonwealth, where the geographical and other conditions are favorable, such counties shall have authority, by and through the county board of education of such counties, to enter into a contract for the erection, organization and maintenance of one or more county high schools, which shall be used jointly by said counties. The contract for the erection, organization, operation and maintenance of such county high schools shall be in writing and shall stipulate in full and complete terms the number of years said contract shall run, the arrangement as to the employment of teachers, course of study and general operation of said joint high school. Such a contract may be made for the operation of either white or colored high schools. Wherever there are cities or graded schools operating high schools, the county board of education of two or more counties shall have authority to enter into a contract jointly with such city or graded school to maintain county high schools for the joint use of such city or graded school and the county or counties making such contract. The general school laws for the maintenance and operation of county high schools shall control in the operation of high schools which may be established, operated and maintained under the provisions of this act, except as is otherwise herein provided.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

The Committee on Education offered the following amendment, by way of substitute therefor, to said bill, viz.:

An act to provide for the erection, organization and maintenance of county high schools jointly by two or more adjacent counties, and to allow pupils to attend high schools in counties other than their own.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever it becomes desirable by and between two or more adjacent counties of this Commonwealth, where the geographical and other conditions are favorable, such counties shall have authority, by and through the county board of education of such counties, to enter into a contract for the erection, organization and maintenance of one or more county high schools, which shall be used jointly by said counties. The contract for the erection, organization, operation and maintenance of such county high schools shall be in writing and shall stipulate in full and complete terms the number of years said contract shall run, the arrangement as to the employment of teachers, course of study and general operation of said joint high school. Such a contract may be made for the operation of either white or colored high schools. Whenever there are cities or graded schools operating high schools, the county board of education of two or more counties shall have authority to enter into a contract jointly with such city or graded school to maintain county high schools for the joint use of such city or graded school and the county or counties making such contract. The general school laws for the maintenance and operation of county high schools shall control in the operation of high schools which may be established, operated and main-

tained under the provisions of this act, except as is otherwise herein provided.

§ 2. Be it further enacted: That where an approved high school already exists that any high school pupil shall have the privilege of attending the school, in the county which is most convenient; and that the county in which he resides shall pay the tuition of said pupil at the same rate as fixed for other high school pupils in said county.

§ 3. All laws and parts of laws in conflict with this act are hereby repealed.

Said amendment, by way of substitute therefor, was agreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	R. T. Crowe	T. T. Gardner
H. F. S. Bailey	James S. Cruse	Wm. Gearheart
Chas. D. Bratcher	H. C. Cummins	W. G. Gooch
G. G. Brashear	S. C. Dobbs	W. C. G. Hobbs
E. Bullock	Jas. R. Dorman	A. B. Holland
Henry A. Cannon	Thomas A. Dover	David J. Howard
R. A. Cook	William Duffy	J. M. Howell
A. S. Cooper	J. R. Durham	R. B. Jackson
W. P. Cropper	J. M. Elliston	J. M. Johnson

T. R. Jones	S. Mazyck O'Brien	Adam Spahn
Wm. J. Kuh	A. J. Oliver	Thomas Spurrier
Dr. J. E. Lilly	William A. Perry	Ed. D. Stone
Dr. C. W. Mathers	A. B. Pieratt	R. C. Tartar
Harry J. Meyers	J. D. Pumphrey	Robt. R. Treadway
Claude D. Minor	D. S. Richardson	J. Wood Vance
G. B. Moores	John T. Roach	J. W. Wall
John T. Murphy	Lewis Ryans	John S. Webb
B. F. McAtee	Joe Schneider	W. M. Webb
E. B. McGlone	L. M. Smith	Frank M. White
W. J. McMurray	Claude B. Smith	Louis E. Yewell
C. B. Nichols	John W. Snider	E. G. Young

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Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Hutchcraft announced to the House that it would be impossible for him to continue as a member of the Impeachment Committee and asked the unanimous consent of the House to have his name withdrawn from said committee.

Said request was granted.

Thereupon the Speaker of the House appointed Hon. Robert T. Crowe as a member of the Impeachment Committee in the place and stead of Mr. Hutchcraft, resigned.

A message was received from the Senate anouncing that they had refused to pass a bill which originated in the House of the following title, viz.:

H. B. 256. An act to establish an Athletic Board of Control.

The House took up for consideration from the orders of the day a resolution of the following title, viz.:

S. Res. 18. Resolution for the benefit of J. W. Hedden.

(For said resolution see House Journal of March 7th.)

Mr. Hobbs moved the adoption of said resolution.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	J. M. Elliston	Wm. J. Kuh
W. P. Cropper	W. G. Gooch	Harry J. Meyers
R. T. Crowe	Frank C. Greene	John T. Murphy
S. C. Dobbs	W. C. G. Hobbs	A. B. Pieratt
W. E. Dowling	A. B. Holland	Joe Schneider
William Duffy	R.B.Hutchcraft,Jr.	—17

Those who voted in the negative were—

G. G. Brashear	W. T. Lasley	John T. Roach
W. H. Brown	M. E. Lee	Claude B. Smith
E. Bullock	Dr. J. E. Lilly	John W. Snider
R. A. Cook	W. R. Lyon	Ed. D. Stone
A. S. Cooper	Jacob Metzger	Robt. R. Treadway
Jas. R. Dorman	Claude D. Minor	F. C. Trivette
J. R. Durham	G. B. Moores	J. Wood Vance
T. T. Gardner	B. F. McAtee	J. W. Wall
Wm. Gearheart	E. B. McGlone	John S. Webb
David J. Howard	W. J. McMurray	W. M. Webb
J. M. Howell	L. T. Neat	J. D. Wills
Chas. L. Hunter	C. B. Nichols	M. O. Wilson
R. B. Jackson	William A. Perry	E. G. Young
J. M. Johnson	Harry P. Purnell	
T. R. Jones	D. S. Richardson	—43

And so said resolution was disagreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 359. An act repealing the charter of Fairview, incorporated under act of February 6, 1846.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 126 of the Acts of the General Assembly of Kentucky, 1845-46, and being an act incorporating the town of Fairview in Todd county, approved February 6, 1846, be and the same is hereby repealed. This to take effect on and after January 1st, 1917.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Henry A. Cannon	H. C. Cummins
Chas. D. Bratcher	A. S. Cooper	S. C. Dobbs
G. G. Brashear	S. B. Coleman	Thomas A. Dover
Frank J. Brown	W. P. Cropper	William Duffy
W. H. Brown	R. T. Crowe	J. M. Elliston
E. Bullock	James S. Cruse	Wm. Gearheart

W. G. Gooch	W. J. McMurray	Adam Spahn
David J. Howard	L. T. Neat	Thomas Spurrier
Chas. L. Hunter	S. Mazyck O'Brien	Ed. D. Stone
R. B. Jackson	A. J. Oliver	R. C. Tartar
J. M. Johnson	William A. Perry	Robt. R. Treadway
T. R. Jones	A. B. Pieratt	F. C. Trivette
Wm. J. Kuh	W. A. Price	D. B. Tyra
Dr. J. E. Lilly	J. D. Pumphrey	J. W. Wall
Dr. C. W. Mathers	Richard Radcliffe	W. M. Webb
Jacob Metzger	Lewis Ryans	Frank M. White
Harry J. Meyers	Joe Schneider	J. D. Wills
G. B. Moores	E. D. Smith	M. O. Wilson
John T. Murphy	Claude B. Smith	Louis E. Yewell
E. B. McGlone	John W. Snider	E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 250. An act to amend section 538 of the Kentucky Statutes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 538 of the Kentucky Statutes (Carroll's edition of 1915) be amended by inserting after the words "conduct any legitimate object or purpose," and before the words

"under the provisions of and subject to the requirements of this article," the words "including the buying, selling, holding, dealing in, renting and letting of real estate," so that said section, when amended, shall read as follows:

"§ 538. Corporations—Number Necessary—Laws Applicable.—Any number of persons, not less than three, may associate to establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, including the buying, selling, holding, dealing in, renting and letting of real estate under the provisions of and subject to the requirements of this article, but banking, building and loan, trust, insurance and railroad corporations shall, in addition to the provisions of this article, which are not inconsistent with the laws relating especially to them, be organized in the manner and subject to the provisions of such laws."

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Odie Duncan	J. M. Howell
R. A. Cook	J. R. Durham	Chas. L. Hunter
A. S. Cooper	J. M. Elliston	R.B.Hutchcraft,Jr.
W. P. Cropper	T. T. Gardner	T. R. Jones
James S. Cruse	Wm. Gearheart	H. Clay Kauffman
H. C. Cummins	W. G. Gooch	Wm. J. Kuh
W. E. Dowling	W. C. G. Hobbs	W. T. Lasley
William Duffy	David J. Howard	Dr. J. E. Lilly

Jacob Metzger	William A. Perry	Adam Spahn
Harry J. Meyers	A. B. Pieratt	Bannie Tabor
S. Montgomery	W. A. Price	R. C. Tartar
G. B. Moores	J. D. Pumphrey	Robt. R. Treadway
John T. Murphy	Harry P. Purnell	F. C. Trivette
B. F. McAtee	Richard Radcliffe	D. B. Tyra
E. B. McGlone	Joe Schneider	W. M. Webb
W. J. McMurray	E. D. Smith	Louis E. Yewell
L. T. Neat	Claude B. Smith	E. G. Young
S. Mazyck O'Brien	John W. Snider	—53

Those who voted in the negative were—

Chas. D. Bratcher	Claude D. Minor	J. D. Wills
E. Bullock	Ed. D. Stone	—5

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 295. An act to repeal an act approved March 18th, 1914, and known as chapter 47 of the Session Acts of 1914, and entitled, "An act relating to poll or capitation tax and providing for the collection (of but) to put one poll tax for citizens of the third class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved March 18, 1914, and known as chapter 47 of the Session Acts of 1914, and entitled "An act relating to poll or capitation tax, and providing for the collection (of but) to put one poll tax from citizens of cities of the third class," be and the same is hereby repealed.

§ 2. That whereas said cities of the third class will make their tax levies within ninety days before the expiration of the present session of the legislature, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Thomas A. Dover	R. B. Jackson
G. G. Brashear	William Duffy	J. M. Johnson
Frank J. Brown	J. R. Durham	T. R. Jones
W. H. Brown	J. M. Elliston	H. Clay Kauffman
E. Bullock	L. L. Embrey	Wm. J. Kuh
Henry A. Cannon	Wm. Gearheart	W. T. Lasley
A. S. Cooper	W. G. Gooch	M. E. Lee
S. B. Coleman	J. S. Hall	Dr. J. E. Lilly
W. P. Cropper	W. C. G. Hobbs	W. R. Lyon
R. T. Crowe	A. B. Holland	Dr. C. W. Mathers
H. C. Cummins	David J. Howard	Jacob Metzger
S. C. Dobbs	J. M. Howell	Harry J. Meyers
Jas. R. Dorman	Chas. L. Hunter	Claude D. Minor

G. B. Moores	Harry P. Purnell	Robt. R. Treadway
John T. Murphy	D. S. Richardson	F. C. Trivette
B. F. McAtee	John T. Roach	J. W. Wall
E. B. McGlone	Lewis Ryans	John S. Webb
W. J. McMurray	Joe Schneider	W. M. Webb
L. T. Neat	E. D. Smith	Frank M. White
S. Mazyck O'Brien	Claude B. Smith	J. D. Wills
A. J. Oliver	John W. Snider	M. O. Wilson
William A. Perry	Adam Spahn	Louis E. Yewell
A. B. Pieratt	Ed. D. Stone	E. G. Young
W. A. Price	Bannie Tabor	
J. D. Pumphrey	R. C. Tartar	—73

Those who voted in the negative were—

Geo. B. Barrett James S. Cruse —2

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 354. An act to regulate the printing of reports in the Department of Agriculture, Labor and Statistics.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 36 of chapter 4, Kentucky Statutes, Carroll's edition 1915, be, and the same is, hereby amended and

made to read as follows: "He shall, before the assembling of each regular session of the General Assembly, compile a report giving a general review of the agricultural, horticultural, mineral and industrial resources of the State, with brief notices of each county, the character of labor generally employed in mines, factories and the cultivation of the soil and the price paid therefor, and such other information as he is required to gather; he shall have a sufficient number, not exceeding five thousand (5,000) printed for the use of the General Assembly and for general distribution. He shall annually prepare a condensed statement of the condition and capacity of the State as regards its agricultural, horticultural and mineral resources; its manufacturing and domestic arts, average price of lands and labor in the different sections, it traveling, exporting and educational facilities, a brief review of its climate, its geographical position and general topography and other suitable subjects designed to induce immigration to this State, which statement, in the form of a report, the commissioner may cause to be printed in cheap pamphlet form.

"§ 2. That the commissioner is hereby authorized to reduce the number of copies of the annual proceedings of the State Farmers' Institute from twenty-five thousand (25,000) to five thousand (5,000) and the printing of same shall be paid for out of the general fund, as are the biennial reports of Agriculture, Labor and Statistics.

"§ 3. All acts and parts of acts in conflict with this act are hereby repealed."

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	A. B. Holland	W. A. Price
G. G. Brashear	David J. Howard	J. D. Pumphrey
Frank J. Brown	J. M. Howell	Richard Radcliffe
W. H. Brown	Chas. L. Hunter	John T. Roach
E. Bullock	R.B.Hutchcraft,Jr.	E. D. Smith
Henry A. Cannon	R. B. Jackson	Claude B. Smith
R. A. Cook	J. M. Johnson	John W. Snider
A. S. Cooper	T. R. Jones	Adam Spahn
S. B. Coleman	H. Clay Kauffman	Thomas Spurrier
W. P. Cropper	Wm. J. Kuh	Ed. D. Stone
R. T. Crowe	W. T. Lasley	Bannie Tabor
James S. Cruse	M. E. Lee	R. C. Tartar
H. C. Cummins	Dr. J. E. Lilly	Robt. R. Treadway
S. C. Dobbs	Jacob Metzger	F. C. Trivette
Jas. R. Dorman	Harry J. Meyers	D. B. Tyra
W. E. Dowling	G. B. Moores	J. Wood Vance
William Duffy	John T. Murphy	J. W. Wall
J. R. Durham	B. F. McAtee	John S. Webb
J. M. Elliston	W. J. McMurray	W. M. Webb
L. L. Embrey	L. T. Neat	J. D. Wills
Wm. Gearheart	S. Mazyck O'Brien	M. O. Wilson
W. G. Gooch	William A. Perry	Louis E. Yewell
W. C. G. Hobbs	A. B. Pieratt	E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 206. An act to give the Commissioner of Agriculture, Labor and Statistics the power to properly police the Kentucky State Fair grounds.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioner of Agriculture, Labor and Statistics be, and he is hereby, given the same powers of arrest and the same right to execute process as is now given by the law to the sheriffs in this Commonwealth.

He shall exercise these powers upon the Kentucky State Fair grounds only, and he shall have the right to appoint as many deputies as he may deem necessary to maintain order and preserve the peace upon the said Kentucky State Fair grounds. The Commissioner, or any deputy making an arrest upon the Kentucky State Fair grounds shall have the power to deliver such offender to the proper magistrate or other judicial officer having jurisdiction.

§ 2. The Commissioner shall execute bond to the extent of five thousand ($5,000.00) dollars for the faithful performance of these duties by himself and deputies.

§ 3. This act shall take effect upon its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said

bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. F. S. Bailey	Jacob Metzger	Joe Schneider
Frank J. Brown	Harry J. Meyers	E. D. Smith
W. P. Cropper	S. Montgomery	Claude B. Smith
R. T. Crowe	John T. Murphy	John W. Snider
H. C. Cummins	B. F. McAtee	Adam Spahn
S. C. Dobbs	E. B. McGlone	Ed. D. Stone
Jas. R. Dorman	W. J. McMurray	Bannie Tabor
William Duffy	S. Mazyck O'Brien	R. C. Tartar
J. M. Elliston	A. J. Oliver	F. C. Trivette
T. T. Gardner	William A. Perry	D. B. Tyra
W. G. Gooch	Geo. L. Pickett	J. Wood Vance
W. C. G. Hobbs	A. B. Pieratt	John S. Webb
David J. Howard	W. A. Price	W. M. Webb
R.B.Hutchcraft,Jr.	J. D. Pumphrey	Frank M. White
T. R. Jones	Harry P. Purnell	J. D. Wills
H. Clay Kauffman	Richard Radcliffe	M. O. Wilson
Wm. J. Kuh	D. S. Richardson	Louis E. Yewell
Dr. J. E. Lilly	John T. Roach	E. G. Young
Dr. C. W. Mathers	Lewis Ryans	—56

Those who voted in the negative were—

Peter Ampler	Wm. Gearheart	J. M. Johnson
Geo. B. Barrett	Frank C. Greene	W. R. Lyon
G. G. Brashear	J. M. Howell	Claude D. Minor
E. Bullock	Chas. L. Hunter	G. B. Moores
R. A. Cook	R. B. Jackson	L. T. Neat
		—15

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 251. An act to amend section 496 of Kentucky Statutes (Carroll's edition), providing for the recording of deeds and mortgages and re-enacting same.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 496 of Kentucky Statutes (Carroll's edition) entitled: "Deeds and mortgages not valid against purchasers or creditors until recorded;" be amended by inserting in the fourth line thereof after the word "deeds" and before the word "shall," the words "or mortgage," and by adding to said section the following provision: "The word 'creditors' as used therein shall include all creditors irrespective of whether or not they may have acquired a lien by legal or equitable proceedings or by voluntary conveyance," so that said section when so amended shall read as follows:

"No deed or deed of trust or mortagage conveying a legal or equitable title to real or personal estate shall be valid against a purchaser for a valuable consideration, without notice thereof, or against creditors, until such deed or mortgage shall be acknowledged or proved according to law, and lodged for record.

"The word 'creditors' as used herein shall include all creditors irrespective of whether or not they may have acquired a lien by legal or equitable proceedings or by voluntary conveyance."

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. G. Gooch	S. Mazyck O'Brien
H. F. S. Bailey	J. S. Hall	A. J. Oliver
C. H. Bays	W. C. G. Hobbs	William A. Perry
Frank J. Brown	A. B. Holland	Geo. L. Pickett
W. H. Brown	David J. Howard	A. B. Pieratt
E. Bullock	J. M. Howell	W. A. Price
R. A. Cook	Chas. L. Hunter	J. D. Pumphrey
S. B. Coleman	R.B.Hutchcraft,Jr.	Harry P. Purnell
W. P. Cropper	R. B. Jackson	Richard Radcliffe
R. T. Crowe	T. R. Jones	D. S. Richardson
H. C. Cummins	Wm. J. Kuh	John T. Roach
S. C. Dobbs	W. T. Lasley	Joe Schneider
Jas. R. Dorman	M. E. Lee	Claude B. Smith
W. E. Dowling	Dr. J. E. Lilly	John W. Snider
William Duffy	Jacob Metzger	Adam Spahn
Odie Duncan	Harry J. Meyers	Bannie Taber
J. R. Durham	S. Montgomery	Robt. R. Treadway
J. M. Elliston	B. F. McAtee	Louis E. Yewell
T. T. Gardner	W. J. McMurray	—56

Those who voted in the negative were—

Geo. B. Barrett	H. Clay Kauffman	John T. Murphy
G. G. Brashear	W. R. Lyon	L. T. Neat
Wm. Gearheart	Dr. C. W. Mathers	Ed. D. Stone
Frank C. Greene	Claude D. Minor	R. C. Tartar
J. M. Johnson	G. B. Moores	—14

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 46. An act to regulate the times of holding the terms of the circuit court in the Twentieth Judicial District.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the terms of circuit court in the Twentieth Judicial District shall be as follows:

Boyd county, at Catlettsburg, first Monday in January and continuing eighteen juridical days; second Monday in March and continuing twenty-four juridical days; fourth Monday in April and continuing eighteen juridical days; second Monday in June and continuing twenty-four juridical days; first Monday in September and continuing twelve juridical days; second Monday in November and continuing thirty juridical days.

Greenup county, at Greenup, fourth Monday in February and continuing twelve juridical days; second Monday in July and continuing twelve juridical days; third Monday in October and continuing twelve juridical days.

Lewis county, at Vanceburg, fourth Monday in January and continuing eighteen juridical days; third Monday in May and continuing eighteen juridical days; third Monday in September and continuing eighteen juridical days.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force from and after the 1st day of August, 1916.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	W. P. Cropper	T. T. Gardner
H. F. S. Bailey	H. C. Cummins	W. C. G. Hobbs
Geo. B. Barrett	S. C. Dobbs	David J. Howard
G. G. Brashear	Jas. R. Dorman	J. M. Howell
Frank J. Brown	W. E. Dowling	Chas. L. Hunter
W. H. Brown	William Duffy	R.B.Hutchcraft,Jr.
E. Bullock	J. R. Durham	R. B. Jackson
Henry A. Cannon	J. M. Elliston	J. M. Johnson
R. A. Cook	L. L. Embrey	T. R. Jones

H. Clay Kauffman	L. T. Neat	Thomas Spurrier
Wm. J. Kuh	S. Mazyck O'Brien	Ed. D. Stone
W. T. Lasley	A. J. Oliver	R. C. Tartar
M. E. Lee	William A. Perry	Robt. R. Treadway
Dr. J. E. Lilly	A. B. Pieratt	F. C. Trivette
W. R. Lyon	W. A. Price	D. B. Tyra
Dr. C. W. Mathers	Harry P. Purnell	J. Wood Vance
Jacob Metzger	Richard Radcliffe	J. W. Wall
Harry J. Meyers	D. S. Richardson	John S. Webb
Claude D. Minor	John T. Roach	Frank M. White
G. B. Moores	Lewis Ryans	J. D. Wills
John T. Murphy	Joe Schneider	M. O. Wilson
B. F. McAtee	Claude B. Smith	Louis E. Yewell
E. B. McGlone	John W. Snider	E. G. Young
W. J. McMurray	Adam Spahn	—71

Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 117. An act to amend and re-enact section 1243 of the Kentucky Statutes relating to offense of petit larceny.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1243 of the Kentucky Statutes, Carroll's edition of 1915, be, and the same is hereby, amended and re-enacted to read as follows:

"Section 1243. Petit Larceny.—Any person, except a female, who shall steal a hog of less value than four dollars, or be guilty of the larceny of money, goods, chattels, or other property of less value than twenty dollars, shall be punished by confinement in the county jail for not less than one nor more than twelve months; females convicted of petit larceny shall be confined in the county jail not more than thirty days; Provided, that persons convicted under this section in the police court of any city shall be imprisoned in the city jail or workhouse, or other place provided by the city for that purpose. Any person imprisoned under this section shall be required to work at hard labor during the term of his imprisonment. Circuit courts, police courts and justices of the peace, shall have jurisdiction of all offenses under this section, and police courts, county courts and justices' courts shall be deemed to be always open for the trial of persons charged with the violations hereof.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	S. B. Coleman	J. R. Durham
H. F. S. Bailey	W. P. Cropper	J. M. Elliston
G. G. Brashear	R. T. Crowe	L. L. Embrey
Frank J. Brown	H. C. Cummins	T. T. Gardner
W. H. Brown	S. C. Dobbs	W. G. Gooch
R. A. Cook	W. E. Dowling	W. C. G. Hobbs
A. S. Cooper	William Duffy	A. B. Holland

David J. Howard	John T. Murphy	Claude B. Smith
J. M. Howell	B. F. McAtee	John W. Snider
Chas. L. Hunter	E. B. McGlone	Adam Spahn
R.B.Hutchcraft,Jr.	W. J. McMurray	Ed. D. Stone
T. R. Jones	William A. Perry	Bannie Tabor
Wm. J. Kuh	Geo. L. Pickett	R. C. Tartar
W. T. Lasley	A. B. Pieratt	Robt. R. Treadway
M. E. Lee	W. A. Price	F. C. Trivette
Dr. J. E. Lilly	Harry P. Purnell	J. W. Wall
W. R. Lyon	Richard Radcliffe	John S. Webb
Dr. C. W. Mathers	D. S. Richardson	W. M. Webb
Jacob Metzger	John T. Roach	J. D. Wills
Harry J. Meyers	Lewis Ryans	M. O. Wilson
Claude D. Minor	Joe Schneider	Louis E. Yewell
G. B. Moores	E. D. Smith	E. G. Young

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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 346. An act providing for the formation and carrying on of co-operative associations and providing for the rights, powers, liabilities and duties of the same, and making it unlawful for anyone to use the title "co-operative" as part of its or his or their business name or title unless such person or corporation or company has complied with the provisions of this act.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any number of persons, not less than three, who are citizens of the State of Kentucky, may associate themselves together as a co-operative corporation for the purpose of conducting any agricultural, dairy, mercantile, mining, manufacturing, or mechanical business on the co-operation plan. For the purpose of this act the "co-operative plan" shall be construed to mean a business concern that distributes the net profit of its business by: First, the payment of a fixed dividend upon its stock and distributions; second, the remainder of its profits pro rated to its several stockholders and customers, as provided by by-laws, upon their purchases from or sales to said concern or both such purchases and sales.

§ 2. They shall sign and acknowledge articles of incorporation which shall specify those things required by section 539 of the Kentucky Statutes.

§ 3. Said articles shall be filed as now required by law for other private corporations and for filing same and amendments thereto under this act the same fees shall be paid to the Secretary of the State as now required under the general corporation law.

§ 4. No corporation organized under the provisions of this act shall commence business until at least fifty per cent. of its capital stock has been paid for in actual cash, and a sworn statement to that effect has been filed with the Secretary of State.

§ 5. Every such association shall be managed by a board of not less than three directors. The directors shall be elected by and from the stockholders of the association at such times and for such term of office as the by-laws may prescribe, and

shall hold office for the time for which elected and until their successors are elected, and shall enter upon the discharge of their duties; but a majority of the stockholders shall have power at any regular or special stockholders' meeting legally called, to remove any director or official for cause, and fill the vacancy, and thereupon the directors so removed shall cease to be directors of said association. The officers of every such association shall be a president, one or more vice presidents, a secretary and a treasurer (one may be both secretary and treasurer) who shall be elected annually by the directors, and each of said officers must be a director of the association.

§ 6. No stockholder, regardless of the number of shares he may own, shall be entitled to more than one vote upon any proposition.

§ 7. Out of the net profit of its business after the payment of a fixed dividend upon its stock and before the profits are pro rated as set out and provided for in section 1 hereof by a vote of at least two-thirds of the stockholders of such corporation a reserve fund may be created by setting aside not less than ten per cent. nor more than twenty-five per cent. of the remainder annually of said net profits. Said reserve fund shall be agreed upon at the beginning of any fiscal year of such concern and no vote shall retroactively create the same for any year unless by unanimous consent of the stockholders.

§ 8. All co-operative corporations, companies or associations heretofore organized and doing business under prior statutes or which have attempted to so organize and do business shall have the benefit of all of the provisions of this act, and be bound thereby on paying the fees provided for in this act and filing with the Secretary of State a written declaration signed and sworn to by the president and secretary to the effect that said co-operative company or association has by

a majority vote of its stockholders decided to accept the benefits of and be bound by the provisions of this act.

§ 9. No corporation, association or company now or hereafter organized or doing business for profit in this State shall be entitled to use the title "Co-operative" as part of its corporate or other business name or title unless it has complied with the provisions of this act; and any corporation, association or company violating the provisions of this section may be enjoined from doing business under such name at the instance of any stockholder or any associations legally organized hereunder.

Any corporation, association or company not entitled to use the title "Co-operative" as part of its corporate or other business name or title as herein provided if it does so use the title "Co-operative" shall be subject to a fine of not less than fifty ($50), and not more than one thousand dollars ($1,000).

Mr. Hutchcraft offered the following amendment to said bill, viz.:

Amend S. B. 346 by striking out section 9.

Mr. Hutchcraft moved that said bill and amendment be laid on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 217. An act authorizing the Commonwealth of Kentucky to pay the indebtedness created against the property of the Western Normal School by the provisions of section 4535c, Kentucky Statutes, and authorizing the board of regents

of said school to pay a part of said indebtedness out of the annual appropriation made for the support of said school, and appropriating money for said purpose.

Said bill reads as follows, viz.:

Whereas, the legislature in 1912 enacted a law authorizing the board of regents of the Western Normal School, located at Bowling Green, Kentucky, to borrow money and execute bonds therefor for certain purposes mentioned in that act, and further authorizing said board to execute a mortgage upon the property of said Western Normal School, and whereas said board has borrowed $100,000 pursuant to the provisions of said act and has executed its bonds for said sum to run twenty years, $5,000 thereof to be paid at the end of each year, and whereas said act authorized the Auditor to pay the interest on said bonds as it might fall due, but whereas no provision was made for the payment of the principal; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The board of regents of the Western Normal School is hereby authorized and empowered to pay the bond for $5,000 falling due in 1916 and the bond falling due in 1917, which bonds were executed pursuant to the provisions of the Act of 1912, and said two bonds shall be paid out of the annual appropriation heretofore made for the support and maintenance of said school.

§ 2. When the bond executed pursuant to the aforesaid act falls due in the year 1918, the Auditor of Public Accounts is hereby authorized to draw his warrant in favor of said Western Normal School for said sum as well as for the interest on the whole of said indebtedness, and each year thereafter the Auditor is authorized to draw his warrant for a like sum

until the full amount of said indebtedness shall have been paid to said Western Normal School, but the money thus paid to said Western Normal School shall be used for no purpose other than to discharge said indebtedness or to repay said school or any person who has discharged any part of said indebtedness prior to the passage of this act; provided, however, that the total amount paid under the provisions of this act and under the provisions of the Act of 1912 shall not exceed the amount of said indebtedness, including the interest thereon.

Mr. Mathers moved that said bill be laid on the table.

Said motion was disagreed to.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Peter Ampler	Thomas A. Dover	David J. Howard
Frank J. Brown	W. E. Dowling	Chas. L. Hunter
W. H. Brown	William Duffy	R.B.Hutchcraft,Jr.
E. Bullock	Odie Duncan	R. B. Jackson
Henry A. Cannon	J. M. Elliston	T. R. Jones
R. A. Cook	Wm. Gearheart	Wm. J. Kuh
S. B. Coleman	W. G. Gooch	Dr. J. E. Lilly
W. P. Cropper	Frank C. Greene	Jacob Metzger
H. C. Cummins	J. S. Hall	Harry J. Meyers
S. C. Dobbs	W. B. Harvey	G. B. Moores
Jas. R. Dorman	W. C. G. Hobbs	John T. Murphy

E. B. McGlone	John T. Roach	F. C. Trivette
S. Mazyck O'Brien	Joe Schneider	J. Wood Vance
A. J. Oliver	E. D. Smith	J. W. Wall
William A. Perry	Claude B. Smith	John S. Webb
W. A. Price	Adam Spahn	W. M. Webb
J. D. Pumphrey	Bannie Tabor	Frank M. White
Richard Radcliffe	R. C. Tartar	Louis E. Yewell
D. S. Richardson	Robt. R. Treadway	E. G. Young

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Those who voted in the negative were—

J. R. Durham	Dr. C. W. Mathers	Ed. D. Stone
J. M. Howell	Claude D. Minor	J. D. Wills
J. M. Johnson	B. F. McAtee	M. O. Wilson
H. Clay Kauffman	A. B. Pieratt	

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Resolved, that the title thereof be as aforesaid.

Mr. William Duffy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate as follows, viz.:

Resolved, that the Senate do concur in the amendments to Senate Bill No 24, as proposed by the House of Representatives.

Also that they had concurred in a resolution which originated in the House of the following title, viz.:

H. Res. 14. Resolution for the benefit of Verda M. Wiggins-Henderson.

(For said resolution see House Journal of February the 15th.)

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 116. An act to authorize any city in this State owning its own water or light plant and furnishing water and light to such city to furnish water or light to any other city in this State, and to authorize any city in this State to contract for water and light from any city owning its water or light plant and furnishing water and light.

H. B. 207. 207. An act to regulate liability of common carriers upon "Intrastate" shipments.

H. B. 418. An act to amend Carroll's edition, Kentucky Statutes 4303 (17).

H. B. 186. An act authorizing boards of education in cities of the first and second class to create a fund for the protection against fire and other casualties and regulating its investment and use.

H. B. 120. An act providing for a progressive tax on direct and collateral inheritances.

H. B. 53. An act to authorize the guardian of an infant, curator or committee of a person of unsound mind to lease the real estate or any interest therein of infant or person of unsound mind for mining purposes and regulating the procedure therefor.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and

were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the orginal and enrolled bills which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had preformed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 241. An act repealing sections 4217-4217a of Kentucky Statutes, and requiring permits for certain kinds of merchants; defining temporary and transient merchants and providing for licensing same, regulating the advertising, representations and business of such merchants and prescribing penalties for failure to comply with the provisions of this act.

H. B. 309. An act to provide for collecting of delinquent taxes in cities of the fourth class.

H. B. 436. An act to amend section 6 of the act approved March 23, 1910, entitled, "An act to promote and compel attendance of children in schools, to prevent truancy in cities of the first, second, third and fourth class, and to enable boards of education or boards of school trustees of cities of the first and second class to establish and maintain parental or truant

schools for the care and discipline of truant children, and for the purpose of reducing truancy."

H. B. 510. An act to regulate the grading, packing, marking, shipping and sale of apples, and also to name the standard barrel for same.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the orginal and enrolled bills which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 307. An act to amend and re-enact sections 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, of the Kentucky Statutes, and relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares in cities of the fourth class.

H. B. 203. An act providing for a commission form of government for schools in cities of the fourth class, to become effective in such cities upon its acceptance by the governing authorities of such cities and the schools therein, and providing method of adoption.

H. B. 191. An act to amend section 3 of an act entitled, "An act relating to consolidated corporations organized under general laws for the purpose of constructing, maintaining, and operating bridges across rivers forming boundary lines of this Commonwealth" and declaring an emergency.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

After a time the enrolling clerk delivered the original and enrolled bills which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 318. An act to amend an act entitled, "An act to amend an act entitled, 'An act providing for the payment of

interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrants shall be paid,' approved May 8, 1897, by repealing said act and re-enacting a substitute therefor,'' which was neither approved nor disapproved by the Governor, being chapter 72 of the Acts of 1910, and to amend an act entitled ''An act to amend section 3 of chapter 72 of the Acts of 1910,'' approved by the Governor on March 17, 1914, being chapter 27 of the Acts of 1914, by repealing both of said acts and enacting a substitute therefor.

S. B. 354. An act regulating the printing of reports in the Department of Agriculture, Labor and Statistics.

S. B. 193. An act regulating trapping and for the protection of fur bearing animals and providing penalties for violations of act.

S. B. 250. An act to amend section 538 of the Kentucky Statutes.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 109. An act to amend and re-enact subsections 2, 4, 5, 8 and 10 of section 3727a, Kentucky Statutes, 1915 edition.

S. B. 56. An act to amend and re-enact an act entitled, An act relating to fiscal courts, approved March 13th, 1912, being chapter 74 of the Acts of 1912, and being also section 1840a of the Kentucky Statutes.

S. B. 96. An act to prohibit the buying or selling of patients by physicians or surgeons, or other persons and defining what shall constitute the buying or selling of patients, and fixing the punishment for a violation of this act.

S. B. 143. An act to prevent any person interfering with the work of convicts outside the walls of the penitentiary, and prohibiting any person from giving to any such convict opium, cocaine, intoxicating liquors, or narcotic of any kind whatever, fire arms, weapons or explosives.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 181. An act appropriating money for the repairs of the colored wards of the Eastern State Hospital at Lexington, Kentucky.

S. B. 118. An act to amend and re-enact section 3194 and 3195 of the Kentucky Statutes, relating to the sinking fund in cities of the second class.

S. B. 257. An act to amend and re-enact chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19th, 1912, entitled, "An act to provide for the organization, armament, equipment, discipline and government of the militia."

S. B. 24. An act to provide for the erection, organization and maintenance of county high schools jointly by two or more adjacent counties.

S. B. 75. An act to amend sections 2740 and 2741 of article 1, chapter 89, of the Kentucky Statutes, Carroll's revised edition of 1915, relating to the classification of cities and towns.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 248. An act to amend and re-enact section 1486, Carroll's edition of the Kentucky Statutes of 1915, entitled, "Registration in cities and towns."

S. B. 18. An act to provide for the payment of taxes covering the compromise in full of bonds issued for the building or aiding in the building of steam railroads, fixing property upon which it may be levied, providing for a collector to receive said taxes and giving a receipt therefor.

S. B. 359. An act repealing the charter of Fairview, incorporated under Act of February 6, 1846.

S. B. 295. An act to repeal an act approved March 18th, 1914, and known as chapter 47 of the Session Acts of 1914, and entitled, "An act relating to poll or capitation tax and providing for the collection (of but) to put one poll tax from citizens of the third class."

S. B. 251. An act to amend section 496 of Kentucky Statutes (Carroll's edition) providing for the recording of deeds and mortgages and re-enacting same.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 217. An act authorizing the Commonwealth of Kentucky to pay the indebtedness created against the property of the Western Normal School by the provisions of section 4535c, Kentucky Statutes, and authorizing the board of regents of said school to pay a part of said indebtedness out of the annual appropriation made for the support of said school, and appropriating money for said purpose.

S. B. 117. An act to amend and re-enact section 1243 of the Kentucky Statutes relating to offense of petit larceny.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered, that the enrolling clerk deliver said bills to the Senate.

Mr. Hobbs offered the following resolution, viz.:

Whereas, during the last few weeks of the General Assembly of the Commonwealth of Kentucky the labors of the chief clerk and the assistant clerk of the House of Representatives have been unusually heavy and arduous, and they have conducted the business expeditiously and satisfactorily; therefore,

Be it resolved by the House of Representatives that the sum of two hundred and fifty ($250) dollars is hereby allowed them for extra services rendered in the proper conduct of their offices, and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for said amount in favor of said chief clerk and assistant clerk as a necessary contigent expense of the House of Representatives.

Mr. Hobbs moved that said resolution be adopted.

Said motion was agred to.

Said resolution was adopted.

Mr. Crowe moved that this House do now refuse to consider the passage of any more bills at this session of the General Assembly.

Said motion was agreed to.

Mr. Dowling moved that the vote by which this House refused to consider the passage of any more bills at this session be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Murphy, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a resolution of the following title, viz.:

H. Res. 14. Resolution for the benefit of Verda M. Wiggins-Henderson.

Whereupon all other business was suspended, said resolution read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said resolution.

Ordered, that the enrolling clerk deliver said resolution to the Senate.

After a time the enrolling clerk delivered the orginal and enrolled resolution which originated in the House to the clerk.

Ordered, that the chief clerk deliver the enrolled resolution which originated in the House and which had been signed by the presiding officers of the House and Senate to the Governor.

After a time the chief clerk reported that he had performed that duty.

The Speaker appointed Messrs. Pumphrey, Crowe and Hutchcraft a committee to wait upon the Senate and to inform that body that the House had completed the business of this General Assembly and to ask the appointment of a like com-

mittee on the part of the Senate to act with them to wait upon the Governor, and to inform him that the General Assembly had completed the business before it and were now ready to adjourn sine die, and to ask if he had any further communication to make to them.

Said committee retired and after a time returned and reported that they had discharged their duty; that the Governor had informed them that he had no further communication to make to this General Assembly.

Mr. Reuben B. Hutchcraft, Jr., moved that this House do now adjourn sine die.

Said motion was seconded by Messrs. Pumphrey and Crowe.

Said motion was agreed to.

And, thereupon, at 11:45 p. m., the House adjourned without day.

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